



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**

**Bankruptcy Cause 9 of 2006**

**IN THE MATTER OF: THE BANKRUPTCY ACT**

**RE: FEISAL MOHAMMED ALI**

**R U L I N G**

In a petition dated 30<sup>th</sup> August 2006, Feisal Mohamed Ali, the debtor herein sought for a receiving order in respect of his Estate and further to be adjudged bankrupt. The debtor filed his statement of affairs with the Official Receiver. In that statement it is indicated that the debtor is unable to pay a debt to the tune of Kshs.2,263,000/- and hence needs the protection of this court. The statement was lodged with the Registrar on the 30<sup>th</sup> day of August 2006. the record shows that the official receiver has filed a certificate as required under Section 16 of the Bankruptcy Act.

I have considered the oral submissions made by Mr. Abdalla advocate for the debtor. I have further considered the material placed before me. It is clear that the debtor has partially complied with the provisions of section 16 of the Bankruptcy Act. The debtor has given the particulars of his debts but has failed to give the particulars of his assets. He has also failed to provide the physical address and occupations of his creditors. These are mandatory requirements, which this court has no discretion to waive or excuse compliance. Consequently, I do not think it is wise to grant the orders sought for. The petition is ordered dismissed.

**Dated and delivered at Mombasa this 1<sup>st</sup> day of September 2006.**

J.K. SERGON

J U D G E