

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Bankruptcy Cause 2 of 2006

IN THE MATTER OF BANKRUPTCY ACT CAP 53 LAWS OF KENYA

AND

IN THE MATTER OF JOAB OSMORN KIDAHA MISANGO - DEBTOR

RULING

In this cause, the debtor, **JOAB OSMORN KIDAHA MISANGO**, has not complied with the provisions of the Bankruptcy Act Cap 53 of the laws of Kenya. The certificate of compliance dated 27/11/06 signed for the Official Receiver by Mrs. Josephine Ogola does not show that the requisite deposit and the official receiver's expenses have been paid. Not only is the sum alleged to have been paid not stated, but there is no evidence of payment.

It is my finding that the provisions of section 16 of the Bankruptcy Act (Cap 53) have not been complied with. Although the affidavit by the debtor sworn on 27.11.2006 states that the statement of Affairs is true neither the Statement of Affairs itself nor the affidavit has annexed any evidence of the alleged indebtedness. In particular, the case number relating to the debt of Shs.326,000/= said to be on account of a decree of the court is not disclosed.

For these reasons, I decline to issue a Receiving order.

Dated at Kakamega this 6th day of December, 2006.

G. B. M. KARIUKI

J U D G E