



REPUBLIC OF KENYA



**In re Sidian Bank Limited (Miscellaneous Application E031 of 2022)
[2022] KEELC 13315 (KLR) (4 October 2022) (Ruling)**

Neutral citation: [2022] KEELC 13315 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
MISCELLANEOUS APPLICATION E031 OF 2022**

CK NZILI, J

OCTOBER 4, 2022

**IN THE MATTER OF THE COMPANIES ACT 2015 LAWS OF KENYA
IN THE MATTER OF AN APPLICATION FOR EXTENSION OF
TIME FOR REGISTRATION OF A FURTHER CHARGE BY AREA
CODE SHIPPERS LIMITED IN FAVOUR OF SIDIAN BANK LIMITED
SIDIAN BANK LIMITED APPLICANT**

RULING

1. The court is asked under Section 885, 887 and 888 of the [Companies Act](#) to extend time for 60 days for the applicant to register a charge dated 25.8.2022 over L.R No. Nyaki/Mulathankari/3062.
2. The application is supported with an affidavit sworn on 16.9.2022 by Muthomi Njeru advocate.
3. The reasons given are that the law requires charges to be registered with the Registrar of Companies within 30 days but directors of Code Shippers Ltd one, Julius Mitambo Gathimo who resides in Dubai was unavailable on time to append his signature within the stipulated time.
4. The applicant has attached a copy of the instructions note dated 18.7.2022 and a further charge registered on 25.8.2022 and dated 21.8.2022.
5. Section 884 of the [Companies Act](#) 2015 mandates the registrar of Companies to Register issue a certificate or registration of charge and authenticate it with an official seal and lastly to keep a register of all charges against the property of a company.
6. The time required to lodge and register a charge is 30 days from the date the charge is created under Sections 885 thereof. Under Section 888 (1) thereof, a party who for one reason or the other has failed to meet the deadline may move the court for an extension of time.
7. In exercising that discretion, the court is guided by the principles inter alia that; it was accidental, inadvertent or there was a reasonable cause for non-compliance.



8. Further the court has to ensure that it is just, fair and reasonable to exercise the discretion in favour of the applicant in order to safeguard the interest to the Creditor, who should not suffer out of a mistake, omission or misstatement which are rectifiable under the circumstances.
9. In Re application for extension of time for registration of a charge by *Silvers spread Hardware Ltd in favour of Bank of Baroda (Kenya) Ltd* (2021) eKLR this court held it has wide discretion to extend time so as to safeguard the interests of justice in deserving cases.
10. In this case, the reason given is that the director of the chargee was out of the jurisdiction of the court. The applicant has not availed any evidence for the exit and entry into the country of the said director.
11. That notwithstanding, the court has no reasons to doubt the affidavit by Mr. Njeru who is an officer of this court.
12. It is therefore in the interest of justice to extend time for another 30 days in order to lodge the further charge with the Registrar of Companies.

It is so ordered.

File closed.

DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT

THIS 4TH DAY OF OCTOBER, 2022

In presence of:

C/A: Kananu

Muhtomi Njeru for exparte applicant

HON. C.K. NZILI

ELC JUDGE

