



REPUBLIC OF KENYA



**In re Sarah Wanjiku Karisho (Insolvency Cause E005 of 2025)  
[2025] KEHC 9772 (KLR) (2 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9772 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
INSOLVENCY CAUSE E005 OF 2025  
E OMINDE, J  
JULY 2, 2025  
IN THE MATTER OF SARAH WANJIKU KARISHO  
AND  
IN THE MATTER OF INSOLVENCY ACT CA 53 LAWS OF KENYA**

**RULING**

1. The Applicant herein came to court by way of Certificate of Urgency dated 9<sup>th</sup> June 2025 seeking inter alia that the Applicant/Judgement Debtor be released from the Eldoret G.K Prison where the Applicant has been committed to Civil Jail as a consequence of a Decree that was issued in Eldoret CMCC No. 661 of 2018 for reasons that the said Applicant has filed this Petition for Insolvency seeking that she be adjudged bankrupt.
2. The Applicant was directed to serve the Application and the matter fixed for inter parties hearing on 24<sup>th</sup> June 2025. On the said date of inter parties hearing, there was no appearance by the Decree Holder. Counsel for the Applicant availed an Affidavit of Service indicating that they were served on 18<sup>th</sup> June 2025 through email the address of which has been therein indicated. That in their absence and seeing as they had not filed any Replying Affidavit to the Application, then their Application stands as unopposed and they prayed that the same be allowed.
3. I have considered the Application. The fact of the matter is that the proceedings in the Petition for Insolvency that the Judgement Debtor has premised the Application upon are yet to be commenced and what is before the Court is simply an intention to initiate proceedings. It can therefore not be a basis for the release of the Judgement Debtor for reasons that interlocutory orders are discretionary orders which discretion the court can only exercise based on facts that are concrete, actual and immediately apparent and not on acts intended to be fulfilled in the future.
4. For this reason, I find that the Application lacks merit and the same seeking for the release of the Judgement Debtor is accordingly dismissed. However, the leave sought in prayer 6 seeking to have this



Bankruptcy Petition published is allowed as prayed with costs in the cause. Mention on 21<sup>st</sup> October 2025 to confirm compliance

**READ DATED AND SIGNED AT ELDORET ON 2<sup>ND</sup> JULY 2025**

**E. OMINDE**

**JUDGE**

