



Faulu Microfinance Bank Ltd v Mweru Properties Ltd (Miscellaneous Application E12 of 2024) [2024] KEHC 7075 (KLR) (11 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7075 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E12 OF 2024**

MS SHARIFF, J

JUNE 11, 2024

BETWEEN

FAULU MICROFINANCE BANK LTD APPLICANT

AND

MWERU PROPERTIES LTD RESPONDENT

RULING

1. I have perused the Applicant's notice of motion dated 10.6.2024 and the affidavit in support thereof sworn by Mitchell J. B. Menezes on even date and I am persuaded that the delay in effecting registration of the discharge of charge and charge in favour of Faulu Microfinance Bank Limited (as the chargee) by Mweru Properties Limited (as the chargor) was due to the late communication by Company Registrar of the rejection of the application for registration of the discharge of charge and charge compounded by the subsequent misplacement of the discharge of charge and charge upon the presentation for registration a second time wherefore I do find that pursuant to the provisions of Section 888 (2) (b) of the *Companies Act* it is just and equitable for this court to extend the limitation period and I thus allow this application and I make the following orders:-

1. The Applicant is hereby granted a thirty days extension period from the date hereof within which to register the discharge of charge and the charge both dated 21st February 2024 with the Registrar of Companies.
2. Given the nature of this application I shall not make any orders on costs.

It is hereby so ordered.

DATED, SIGNED AND DELIVERED THIS 11TH DAY OF JUNE, 2024.

M. S. SHARIFF

JUDGE

