



**In re HFC Limited & another (Miscellaneous Civil Application
32 of 2023) [2023] KEHC 2166 (KLR) (22 March 2023) (Ruling)**

Neutral citation: [2023] KEHC 2166 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION 32 OF 2023
RE ABURILI, J
MARCH 22, 2023
IN THE MATTER OF THE COMPANIES ACT
AND
IN THE MATTER OF AN APPLICATION TO EXTEND THE TIME FOR
REGISTRATION OF A CHARGE BY
IN THE MATTER OF
HFC LIMITED 1ST APPLICANT
VEINTE LIMITED 2ND APPLICANT**

RULING

1. I have considered the application dated March 21, 2023 under Certificate of urgency. I certify it urgent.
2. On the merits of the application, I observe that the application is *exparte* and no prejudice shall be occasioned to any party if the orders sought are granted.
3. I have considered the grounds for the delay in the registration of the charge dated December 2, 2023 issued by the 2nd Applicant, Veinte Limited over Land Ref. No. Kisumu/Manyatta 'A'/4633 in favour of the 1st Applicant, HFC Limited with the Registrar of Companies.
4. I am satisfied that the delay was not inordinate and neither was it deliberate. This court is empowered by the provisions of Section 888 of the *Companies Act* to extend the time within which to register the charge where such time has lapsed. In this case, the law prescribes thirty (30) days within which such charge once created should be registered with the Registrar of Companies.
5. The inadvertence in the presentation is owned up by counsel for the applicants. Such registration is a requirement of the law and not discretionary. The parties/applicants have complied with all the provisions of the law in creating the charge save for registration.



6. For the above reasons, I grant the prayers sought in the application dated March 21, 2023 and order that the time within which to register the charge dated December 2, 2022 issued to Veinte Limited over LR No Kisumu/Manyatta 'A'/4633 in favour of HFC Limited with the Registrar of Companies having lapsed, is hereby extended by a further thirty (30) days from the date of this Ruling.
7. I further order that once the above stated charge dated December 2, 2022 is so registered, the said charge shall be deemed to have been duly filed with the Registrar of Companies in full compliance with the *Companies Act*, 2015.
8. I make no orders as to costs.
9. This Ruling and order be typed and or extracted forthwith. I so order.
10. This file is hereby closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 22ND DAY OF MARCH, 2023

R. E. ABURILI

JUDGE

