



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT BUSIA**

**INSOLVENCY CAUSE NO.2 OF 2019**

**CHRISPINUS OJAMAA MASIGA.....DEBTOR**

**R U L I N G**

[1] This debtor's petition was filed herein on 26<sup>th</sup> November 2011 under the **Insolvency Act** by Christopher Ojamaa Masiga (**herein – debtor**) on the basis of the financial and related statements annexed to the petition and the grounds indicated in his supporting affidavit dated 26<sup>th</sup> November 2019, which shows that the debtor operates a transport business and on the 23<sup>rd</sup> December 2014 his public service vehicle Reg No.KBM 496U was involved in an accident while it was at the time duly insured. As a result several suits arising from the accident were filed in court situated in Kisumu, Maseno and Bondo. This further resulted in the ill-fated vehicle being attached and auctioned by a firm of Auctioneers after liability was attributed to the debtor such that he was required to pay damage amounting to ksh.9,845,594/= through the insurance company that had insured the vehicle. However, the insurance company failed to pay the claimed amount of money despite being notified accordingly.

[2] Apparently, the debtor was placed in a position that the claimants in the suits arising out of the material accident would turn to him for payment of that claim or compensation for damages suffered as a result of the accident. He contends herein that if he is not adjudged or declared bankrupt he will be forced to personally pay the decretal sums of money. He did not say or give proper reason as to why the insurance company declined to pay the claims on his behalf but it could be that the company disclaimed liability for one or other reasons not indicated herein by the debtor.

Be that as it may, notice of bankruptcy petition was published in the newspaper Daily Nation of 19<sup>th</sup> February 2020 but none of the existing creditors filed any objection to the petition neither did any of them appear in court at the hearing of the petition despite being served with the necessary hearing notices.

[3] There being no objection to the petition and the debtor having complied with or met the requirements set out in **S.32** of the **Insolvency Act**, No.18 of 2015, the petition is hereby allowed to the extent that a bankruptcy order issues forthwith with the debtor being adjudged bankrupt.

**Ordered accordingly.**

**J.R. KARANJAH**

**J U D G E**

**[Read & signed this 15<sup>TH</sup> day of JULY 2021]**