

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISCELLANEOUS CIVIL CASE NO. E023 OF 2021

CORAM: HON. R.E. ABURILI, J

IN THE MATTER OF SECTIONS 878, 884, 885 AND 888 OF THE COMPANIES ACT, 2015

AND

IN THE MATTER OF APPLICATION BY RENAVAL INVESTORS AND

CONSULTANTS LIMITED (“THE COMPANY”).....APPLICANT

RULING

1. The applicant herein is the firm of Watako Kirui and Co. Advocates on behalf of the Renava Investors and consultants Limited (The Company).
2. Vide a Chamber summons dated 16/9/2021, the company seeks orders that it be allowed an extension of time for a further 30 days within which to register, with the registrar of Companies, a charge dated 5th August 2021 created by the Company herein Renava Investors and Consultant Limited in favour of KCB Bank Kenya Limited over LR No. South Sakwa/Barkowino/10253.
3. The application is supported by grounds on the face thereof and an affidavit shown by Eve Vivian Ouko advocate explaining circumstances under which the delay in registering the charge was occasioned.
4. The delay, according to the application, was unavoidable and was occasioned by Kajiado Lands Registry leading to lapse of the statutory period of 30 days required by law hence the Registrar of Companies declined to accept the registration.
5. The law requires that any charge created by company should be registered at the Companies Registry within 30 days of its creation. That period having lapsed on 4/9/2021, to validate the charge, extension of time is necessary. The charge was created on 5/5/2021.
6. I agree with the applicant that this court has jurisdiction to extend the time for registration of the charge.
7. Accordingly, I grant the prayers sought and order that the charge created on 5/8/2021 which lapsed on 4/9/2021 shall have a further lifespan of thirty (30) days from the date of this Ruling within which it shall be registered.
8. Orders accordingly.

Dated, signed and Delivered at Siaya this 20th Day of September 2021

R.E. ABURILI

JUDGE