



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MAKUENI**

**THE INSOLVENCY ACT**

**THE INSOLVENCY CAUSE NO. 1 OF 2019**

**URBANUS KYONGOI MULE ..... PETITIONER/APPLICANT**

**RULING**

1. This is a Debtor's petition filed by **URBANUS KYONGOI MULE**, seeking that a Bankruptcy order be made in respect of his estate and he be adjudged bankrupt, being a person who is unable to pay his debts.
2. The application is supported by the affidavit sworn by the applicant on 28<sup>th</sup> November 2019.
3. On the 12/4/2021, this court ordered parties to file written submissions, and later fixed a ruling date.
4. Having perused the file however, I note that the creditors disclosed in the documents filed such as Equity Bank and Sea Angel Service Station were not served with the bankruptcy petition in person in the manner provided by the Civil Procedure Act, and given an opportunity to file their responses, but only an advertisement in the newspapers was done.
5. In the circumstances, in my view, this matter is premature for delivery of a ruling now.
6. In the circumstances, though this court had fixed this matter for ruling, I will not make a ruling on the same, and instead, I order as follows  
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*a) Equity Bank and Sea Angel Petrol Station and any known creditors of the petitioner be served with the petition herein as well as the written submissions already filed within 20 days from today, in the manner provided under the Civil Procedure Act.*

*b) They will have 20 days from such service to file response if any.*

*c) Mention on 28<sup>th</sup> February, 2022 for directions. The petitioner to issue mention notice, and serve this ruling on the said creditors.*

**DELIVERED, SIGNED & DATED THIS 10TH DAY OF NOVEMBER, 2021, IN OPEN COURT AT MAKUENI.**

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**GEORGE DULU**

**JUDGE**