



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI COMMERCIAL & TAX DIVISION
MISCELLANEOUS CASE NO. 72 OF 2019

ANN MUTHONI MWANGI.....APPLICANT

VERSUS

REGISTRAR OF COMPANIES RESPONDENT

R U L I N G

1. Ann Muthoni Mwangi has filed this action under Sections 495 and 497 of the Companies Act. She seeks the following orders:

Ø That this Court be pleased to issue an order directing the forthwith rectification of the Register of the Company known as Forty Thieves Beach Bar Limited to reflect its shareholding as follows:

- Ann Muthoni Mwangi 500 ordinary shares.
- George Barbour 200 shares.
- Anthony George Barbour 300 shares.

2. The Applicant has deponed that George Barbour transferred his shares to her at first 300 shares on 24th July 2017, and 200 shares on 22nd August 2018, in Forty Thieves Beach Bar. This is a Company that operates in Diani Mombasa.

3. I was initially concerned and I am still concerned why the Applicant failed to move the High Court in Mombasa, with this application, which is the town where the Company's business is operated. It does also seem as though George Barbour is dead and may have died in the year 2016.

4. The reason the Applicant has approached this Court is because, as she alleges, the Registrar of Companies has declined to incorporate the changes in share holdings of the Company.

5. I decline to grant orders as sought and I direct as follows:

a) The Deputy Registrar of this Court shall serve the application and all the accompanying documents upon the Registrar of Companies and the Registrar of Companies or his/her representative shall attend Court to give reason on refusal to effect the changes sought by Ann Muthoni Mwangi.

b) Until further orders of this Court there shall be no further changes effected by the Registrar of Companies in regard to the Company FORTY THIEVES BEACH BAR LIMITED Company No. PVT-AAAGK02.

c) This order shall be extracted by the Deputy Registrar of this Court and shall be served on the Registrar of Companies.

d) This matter shall be mentioned before Court on 15th May 2019 when the Registrar of Companies as directed in (a) above shall attend Court.

DATED, SIGNED and DELIVERED at NAIROBI this 9TH day of MAY, 2019.

MARY KASANGO

JUDGE

Ruling Read and Delivered in Open Court in the presence of:

Sophie..... **COURT ASSISTANT**

..... **FOR THE APPLICANT**

..... **FOR THE RESPONDENT**