

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL & TAX DIVISION

IN INSOLVENCY CAUSE NO.16 OF 2018

IN THE MATTER OF JOHN WAWERU WACHIURI

JUDGMENT

Before the court is the Petition dated **9th July 2018** filed by **JOHN WAWERU WACHIURI** (the debtor herein) seeking that a Bankruptcy order be made in respect of his estate. Attached to the Petition was the Petitioners statement of Affairs.

The Debtors petition was duly served upon the Official Receiver on **20th July 2018**. The Notice of Bankruptcy Petition was advertised on **26th October 2018** in the Standard Newspapers and the said was served upon the Creditors being:-

- **Stanbic Bank Kenya Limited.**
- **Kenya Women Finance Trust**
- **Kenya Deposit Insurance Corporation**

as evidenced by the Affidavit of Service dated **1st November 2018**, sworn by **ALPHONCE M. MBINDYO** an Advocate of the High Court of Kenya. The matter was listed for hearing on **2nd November 2018**. I have seen the advertisement placed in the Standard Newspaper of **26th October 2018**.

On the hearing date none of the Creditors appeared in court to examine the debtor. The Applicant/Debtor who appeared in person informed the court that he is a director of **Waldrons Logistics and Transport Limited** which currently has liabilities to the tune of **Kshs.46, 832,467.90**. The Applicant/Debtor indicated that those liabilities arose from loan facilities taken in order to purchase trucks to run a transport business as well as a personal loan which he took from Barclays Bank. He indicated that the company was totally unable to service those debts and he has no other source of income with which to service the debts.

From the material available, the Statement of Affairs as well as evidence of the Applicant. I am satisfied that the Applicant/Debtor is unable to service his debts. Accordingly I do allow this bankruptcy Petition and direct that the Official Receiver be appointed as trustee of the estate.

Dated in **Nairobi** this **14th** day of **December** 2018

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Justice Maureen A. Odero