



**REPUBLIC OF KENYA**

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

**MILIMANI COMMERCIAL & TAX DIVISION**

**MISC. APPLICATION NO. 393 OF 2018**

**IN THE MATTER OF AN APPLICATION FOR DISCHARGE OF THE CHARGE**

**REGISTERED ON 11.09.1984 AGAINST LAND REFERENCE NO. 209/8552/535**

**IN FAVOUR OF KENYA FLOUR MILLS (1975) LIMITED**

**-AND-**

**IN THE MATTER OF COMPANIES ACT, 2015**

**-AND-**

**IN THE MATTER OF LAND ACT**

**-AND-**

**IN THE MATTER OF TABITHA MUNYAO MUNUKU.....APPLICANT**

**JUDGMENT**

1. **Tabitha munyao Munuku** has filed this action on behalf of the Estate of her late husband **Timothy Munyao Munuku** (deceased).
2. **Munuku** (deceased) charged his property to **Kenya Flour Mills [1975] Limited** (the charge) for a sum of Ksh 25,000/=. The charge was registered against the title **L.R. No. 209/8552/535** on **11<sup>th</sup> September 1984**.
3. **Munuku** (deceased) died on **18<sup>th</sup> August 2008**. The chargee ceased to operate as a business and last filed its return in 1994. **Tabitha Munuku**, the widow of **Munuku** deceased has made various effort to contact the chargee company by mail and physically but that company has not been traced.
4. It is in those circumstances that **Tabitha Munuku** seeks orders for the discharge of the property. Since the chargee company ceased to operate and it cannot be traced the orders sought are merited.
5. I grant the following orders:
  - a. *The Charge registered on 11.09.1984 as entry No. 2 against the Certificate of Lease/Title in respect of Land Reference No. 209/8552/535 be and is hereby discharged.*
  - b. *The Deputy Registrar of the Court to execute the Instruments of Discharge on behalf of Kenya Flour Mills (1975) Limited.*
  - c. *No orders as to costs.*

**DATED, SIGNED and DELIVERED at NAIROBI this 6<sup>th</sup> day of December, 2018.**

**MARY KASANGO**

**JUDGE**

**Judgment read and delivered in open court in the presence of:**

Court Assistant.....Sophie

..... for the Applicant

**MARY KASANGO**

**JUDGE**