



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

WINDING UP CAUSE NO. 2 OF 2014

(FORMERLY WINDING UP NO. 1 OF 2014 (KERICHO))

IN THE MATTER OF KAPCHEBET TEA FACTORY LIMITED

AND

IN THE MATTER OF THE COMPANIES ACT (CAP. 486 LAWS OF KENYA)

AND

**IN THE MATTER OF SECTION 189, 191, 219, 22, 224, 234, 235, 239, 240, 241, 242, 243, 252 AND
253 OF THE COMPANIES ACT, CAP 486 LAWS OF KENYA**

AND

IN THE MATTER OF THE INHERENT POWERS OF THE COURT

BETWEEN

DAVID BETT LANGAT 1ST PETITIONER/APPLICANT

ISMAIL GULAMALI 2ND PETITIONER/APPLICANT

V E R S U S

STEPHEN KIPKATAM KENDUIYWA 1ST RESPONDENT

JOEL KIMUTAI SANG 2ND RESPONDENT

JOSEPH KIPKURUI NGETICH 3RD RESPONDENT

RODERICK MITEI KENDUIYWA 4TH RESPONDENT

JONAH KIPKEMOI KETER 5TH RESPONDENT

KAPCHEBET TEA FACTORY LIMITED 6TH RESPONDENT

PONANGIPALLI VENKATA RAMANA RAO

KOLLURI VENKATA SUBBARAYA KAMA SANTRY ... 1ST INTERESTED PARTY

(JOINT RECEIVERS & MANAGERS)

K-REP BANK LIMITED 2ND INTERESTED PARTY

AND

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

MISC. APPLICATION NO. 308 OF 2014

(FORMERLY MISC. APPL. NO. 6 OF 2014 (KERICHO))

DAVID BETT LANGAT 1ST APPLICANT

ISMAEL GULAMALI 2ND APPLICANT

V E R S U S

STEPHEN KIPKATAM KENDUIYWA 1ST RESPONDENT

JOEL KIMUTAI SANG 2ND RESPONDENT

JOSEPH KIPKURUI NGETICH 3RD RESPONDENT

RODERICK MITEI KENDUIYWA 4TH RESPONDENT

RULING

ON DIRECTIONS

1. There are two matters involving substantially the same parties that were transferred from High Court in Kericho to High Court in Mombasa which these Directions refer to.
2. MOMBASA HIGH COURT WINDING UP PETITION NO. 2 OF 2014 (FORMERLY KERICHO HIGH COURT WINDING UP PETITION NO. 1 OF 2014). In respect of this matter I direct that the following applications be heard together to ensure efficient use of Judicial time-
 1. Notice of Motion dated 14th July 2014 filed on behalf of 2nd, 5th and 6th Respondents.
 2. Notice of Motion dated 7th July 2014 filed on behalf of 2nd Interested Party, that is K-Rep

Bank Ltd.

3. **Notice of Motion dated 30th June 2014 filed on behalf of the Petitioners.**
3. **MOMBASA HIGH COURT MISC. APPLICATION NO. 308 OF 2014 (FORMERLY KERICHO HIGH COURT MISC. APPLICATION NO. 6 OF 2014).** This matter shall be held in abeyance until the Court hears the Motions outlined above. It is however to be noted that the Applicants will need to address this Court on whether the Misc. Application can proceed when it is not supported by a Complaint, Petition or Originating Summons. In that regard Applicant's attention is drawn to Section 2 of the Civil Procedure Act which defines "**Pleadings**". For now however, the Misc. Application is held in abeyance to await the outcome of the Motions as stated before.

DATED and DELIVERED at MOMBASA this 9TH day of SEPTEMBER, 2014.

MARY KASANGO

JUDGE