



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**MILIMANI COMMERCIAL AND ADMIRALTY DIVISION**

**Miscellaneous Application 698 of 2009**

**IN THE MATTER OF RIVA PETROLEUM DEALERS LIMITED**

**AND**

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

**AND**

**IN THE MATTER OF AN APPLICATION TO EXTEND TIME TO REGISTER CHARGE AND FURTHER CHARGE BY KENYA COMMERCIAL BANK LIMITED**

**KENYA COMMERCIAL BANK LIMITED .....APPLICANT**

**R U L I N G**

This application has been brought through notice of motion under section 96 and 102 of the Companies Act, Rules 3 and 8(b) of the Companies (High Court) Rules, section 3A of the Civil Procedure Act, Order L Rule 1 of the Civil Procedure Rules. The said application seeks the following orders:

- 1. THAT this Honourable Court be pleased to extend the time within which to register the Charge dated 15<sup>th</sup> February 2006 and Further Charge dated 16<sup>th</sup> November 2006 by M/s Kenya Commercial Bank Limited in favour of Riva Petroleum Dealers Limited (“the Company”) with the Registrar of Companies by a further forty five (45) days from the date of issue of this order.**
- 2. THAT the costs of this application be in the cause.**

During the hearing of the application, Ms Mate, the applicant’s counsel, submitted that they were seeking an extension of 45 days from the date that I issue the order since the period of 42 days provided by the law for registration of the charge and further charge with the Registrar of Company has elapsed. According to her, the omission to register the above is attributable to the default of the applicant’s former advocates. Subsequently, the applicant discovered that the two charges had not been registered by the Registrar of Companies as required by the rules. She was of the opinion that the applicant was not responsible for the omission and that he stands to suffer great prejudice because the charge and further charge will be rendered void in the event that the application is not allowed.

This court has carefully considered the application together with the supporting affidavit. In view of the above, I hereby direct that the time for registration of the charge and further charge between Riva

Petroleum Dealers Limited and Kenya Commercial Bank Limited be extended for a period of 30 days in conformity with section 102 of the Companies Act, Cap 486, Laws of Kenya. The court notes that the said extension will not prejudice the respondent in any manner. That is the order of the court.

**M. APONDI**

**JUDGE**

Ruling read signed and delivered in open court in the presence

of.....Applicant's Counsel

.....Respondent's Counsel

**M. APONDI**

**JUDGE**

**3<sup>RD</sup> NOVEMBER, 2009**