

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI (NAIROBI LAW COURTS)

Winding Up Cause 54 of 1998

In The Matter of Plant Industries Ltd v In The Matter of Companies Act

Judgment.

In this petitioner is asking for orders that the Respondent Company be wound up. The application based on the grounds that the Respondent Company has been unable to meet its financial debts and in particular has been unable to meet its financial debts and in particular the repayment of the sum of HFL34,232.87 it owed to the petitioner. The petitioner contents that the Respondent Company is insolvent and unable to pay its debts. I have read the petition and considered the grounds herein. I have also considered the submission by the counsel for the petitioner. It does appear that the Respondent Company is unable to pay its debts. The application has not been opposed and the Respondent has not shown that it has other properties outside the debtors held by the other creditors. Neither did anybody a creditor or otherwise show that an order of winding up will not benefit the petitioning creditor. Although the petitioning creditor did not show what benefits he would get from a Winding order but for the reasons that the petition is not opposed. I shall allow the petition and the orders sought in the petition are granted.

December 20, 1999.

Mulwa J.