

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION
CIVIL APPEAL NO. E727 OF 2023

HOME **AFRIKA**
LIMITED.....APPELLANT/RESPONDENT

VERSUS

STUDIO INFINITY

ARCHITECTS.....1ST

RESPONDENT/RESPONDENT

MITINI SCAPES

DEVELOPMENT

LTD

.....

2ND

RESPONDENT/APPLICANT

RULING

1. For determination is the 2nd **Respondents application dated 15/01/2025**. The Applicant Mitini Scapes Development Limited seeks orders of stay of proceedings of its suit-pending outcome of an administration process involving itself, and upon such orders being on granted, the court to issue directions on any other steps in respect of the automatic moratorium provided under **Section 560 (1)** of the **Insolvency Act, 2015**.
2. The Respondents do not oppose the application.
3. The motion is premised on **Section 2 and 560 (1) of the Insolvency Act** and Supporting affidavit of Mbugua Gocaga a Director of the Applicant sworn on 21/01/2025.

4. It is posited that the 2nd Defendant was declared Insolvent and placed under Administration with effect from 13/05/2024 and two joint administrators, namely Kamal Amatory Bhatt and Dir Karua Bhatt, appointed and vested with the control and Management of the affairs, property and its business.
5. In respect thereof and pursuant to **Section 560 (1) of the Insolvency Act**, an automatic Moratorium was imposed upon the Applicant prohibiting commencement or continuation of legal proceedings against it, or its property without consent of the joint administrators and or leave of court.
6. For the foregoing, the applicant's application dated 15/01/2025 for the reliefs sought is appropriate, and is therefore **granted**.
7. **All legal proceedings that may be pending are hereby stayed until such time as the court in the insolvency proceedings or otherwise advises.**
No order of costs is issued.

Orders accordingly.

Delivered Dated and Signed at Nairobi this 30th day of January, 2026.

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JANET MULWA.

JUDGE

ORIGINAL