



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

COMMERCIAL MISCELLANEOUS NUMBER E040 OF
2025

KABURUKI ELIAS GITONGA ----- 1ST
APPLICANT

WINFRED KARIMI KIMENGE ----- 2ND
APPLICANT

VERSUS

POINT A. COMMERCIAL AGENCIES LTD. -----
RESPONDENT

RULING

1. By Notice of Motion dated 21st August, 2025, the Applicants seek these reliefs;

- 1. THAT the Honourable Court be pleased to order DAVID KARANJA MWANGI, JOHN KARANJA GICHERU and GEORDE MAINA MICHAEL to attend court in their capacity as the Respondent's directors for examination on oath on the status of the Respondent and whether it has property or means of satisfying the decrees in Nakuru CMCC E 679 of 2022 & Nakuru CM ELC 232 of 2023 and to produce books of accounts and any other documentary evidence on its financial standing.**
- 2. THAT this Honourable Court be pleased to pierce the Respondent's corporate veil thereby holding its directors and shareholders personally liable to pay the decretal amounts in Nakuru CMCC E679 of 2022 & Nakuru CM ELC 232 of 2023.**
- 3. THAT this Honourable Court be pleased to grant leave to the applicant to execute the said decrees in Nakuru CMCC E679 of 2022 & Nakuru E232 of 2023 against the Respondent's Directors and shareholders in their personal capacity.**

4. THAT the costs of this application be settled by the Respondent's Directors and shareholders in their personal capacity.

2. The Application is unopposed and is allowed in terms of prayer 1, there being no reply thereto despite evidence of service thereof upon the Respondent.
3. The Respondent's Directors are summoned to appear in court on 8/6/2026 for examination as desired. The Deputy Registrar shall issue the actual summonses after obtaining any other necessary information from the Applicants' Advocates.
4. Upon examination of the Respondent's Directors the court will consider prayers 2, 3 and 4 of the Application.
5. It is directed accordingly.

J. M NANG'EA, JUDGE.

Ruling dated, signed and delivered virtually this 9th day of March, 2026.

In the presence of:

Applicants' Advocate, Mr. Chaungo for Mr. Mwangi.

Respondent, Absent.

Court Assistant (Jeniffer).

J. M NANG'EA, JUDGE.

ORIGINAL