



REPUBLIC OF KENYA



**KENYA LAW**  
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**In re Mutura (Bankruptcy Petition E002 of 2025)  
[2026] KEHC 4326 (KLR) (5 March 2026) (Judgment)**

Neutral citation: [2026] KEHC 4326 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
BANKRUPTCY PETITION E002 OF 2025**

**F WANGARI, J**

**MARCH 5, 2026**

**IN THE MATTER OF: SECTIONS 13 AND 32 OF THE INSOLVENCY ACT 2015**

**AND**

**IN THE MATTER OF: RULES 18 AND 19 OF THE INSOLVENCY REGULATIONS 2016**

**AND**

**IN THE MATTER OF: BANKRUPTCY PROCEEDINGS  
AGAINST GEOFFREY GICHURA MUTURA**

**THE PETITION OF GEOFFREY GICHURA MUTURA**

**JUDGMENT**

1. The Petitioner, Geoffrey Gichura Mutura, filed a Bankruptcy Petition dated 4<sup>th</sup> February 2025 seeking for a bankruptcy order against himself and his estate. The Petition was supported by an affidavit sworn on 4<sup>th</sup> February 2025.
2. It is deponed that the Petitioner is a businessman who has been carrying on business with Royal Group Limited for over 20 years. That in the course of business dealings, the Director of Royal Group Limited offered to transfer 6 lorries to him for disposal as they were deemed unfit to meet the company's operational standards.
3. That rather than disposing off the vehicles, the Petitioner undertook repairs and restoration to full working condition passing the necessary NTSA inspections and meeting all roadworthiness standards.
4. The Petitioner further deponed that the former Director of Royal Group Limited retired and new Directors of the company were hired to manage the affairs of the company. That the new directors withdrew the former Director's arrangement and informed him that he needed to pay a sum of Kshs. 6,200,000 for the lorries. That the Petitioner is in debt which continues to accrue interest to date and which he is unable to pay as the amount owed is extremely excessive compared to his assets.



5. The creditor has notified him through a demand letter to pay and settle the debt owed. He was willing to settle the outstanding amount but fell ill and has been unable to work for the past 3 years. That it is as a result of the illness that the Petitioner has had to rely on family members and well-wishers to meet his daily needs and basic sustenance.
6. His condition has further deteriorated and he has been referred to India for open heart surgery. He had to borrow money from the Director of Avocet Venture for the said further treatment in India. That the Petitioner is unable to pay the debts and that he has been threatened with legal action.
7. The Petitioner caused to be published a Gazette Notice dated 2<sup>nd</sup> May 2025, newspaper adverts in the Daily Nation and Taifa Leo dated 16<sup>th</sup> and 17<sup>th</sup> April 2025 respectively. The Petition was unopposed and court directed that the matter be disposed of by way of written submissions.
8. The Petitioner in his submissions dated 9<sup>th</sup> October 2025 confirmed that he had complied with requirements for granting the orders sought in the Petition.

### **Analysis**

9. I have perused the application Petition dated 4<sup>th</sup> February 2025, the affidavit in support sworn on the same date and submissions. The issue for determination is whether the Petitioner should be adjudged bankrupt.
10. The purpose of a petition for bankruptcy is to accord a debtor overwhelmed by debt to get a fresh start. In Nakuru Insolvency Cause No. 4 of 2019 [2020] In re James Maina Kabatha, eKLR, Prof Ngugi J stated as hereunder;

‘The twin goals of consumer or individual bankruptcy law are to protect creditors and ensure optimal payment to them where possible; and the provision of shelter and a “fresh start” to individual debtors overburdened by debt.’
11. The Petitioner admits owing a debt of over Kshs 6 million shillings and is still growing due to accrual of interest. He is unable to pay the same due to his ill health as he stopped working for the last 3 years. The debt owed is excessive in comparison to his assets.
12. There being no response from the creditors despite the notices issued, I find that the Petitioner has proved that he is unable to pay the debts due and owing as at the date of the judgment.

### **Determination**

13. In view of the above, I make the following Orders:
  - a. The Petitioner is hereby adjudged bankrupt and a bankruptcy order issued as prayed.
  - b. The Official Receiver or a person nominated by the Official Receiver is hereby appointed as the Bankruptcy Trustee in respect of the Debtor’s property.

**DATED AND DELIVERED VIRTUALLY AT MOMBASA THIS 5<sup>TH</sup> DAY OF MARCH, 2026.**

.....

**HON. F. WANGARI**

**JUDGE OF THE HIGH COURT**

In the presence of: -



Ms. Temugo h/b for Ms. Mwangi Advocate for the Petitioner

Ms. Salwa, Court Assistant

