



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**In re Kailash Concrete Enterprises Limited (Civil Miscellaneous  
414 of 2025) [2026] KEHC 5946 (KLR) (4 May 2026) (Ruling)**

Neutral citation: [2026] KEHC 5946 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT ELDORET  
CIVIL MISCELLANEOUS 414 OF 2025  
RN NYAKUNDI, J  
MAY 4, 2026**

**IN THE MATTER OF THE COMPANIES ACT NO. 17 OF 2015  
IN THE MATTER OF NOTING OF A CHARGE BY KAILASH CONCRETE  
ENTERPRISES LIMITED TO M ORIENTAL BANK LIMITED**

**BETWEEN**

**M ORIENTAL BANK LIMITED ..... APPLICANT**

**AND**

**KAILASH CONCRETE ENTERPRISES LIMITED ..... APPLICANT**

**RULING**

1. Before this court is an ex parte notice of motion expressed to be brought under Rules 3(1) of the High Court (Practice and Procedure Rules) of the *Judicature Act* Cap 8 and Section 3A of the *Civil Procedure Act*, Article 159 of *the Constitution* of Kenya and all enabling provisions of the law, dated on 19<sup>th</sup> day of December 2025 seeking the following orders:
  - a. Spent.
  - b. That this court be pleased to enlarge time within which to note the debenture dated 15<sup>th</sup> September 2025 to M Oriental Bank Limited over motor vehicle registration no. KDU 350 V for a period of 30 days.
  - c. That the costs of this application be in the cause.
2. This application is based on the following grounds:
  - a. That the period within which the document is supposed to be noted at the companies registry has lapsed. The registration is out of time by 55 days.



- b. That there are sufficient reasons as to why the debenture documents could not be noted within the required period.
  - c. That it is in the interest of justice that this application be allowed.
  - d. That the applicant will suffer substantial loss if the same be allowed.
3. In support of the application is the annexed affidavit of one R.R. Mwetich who deponed as follows:
- a. That I am an Advocate of the High Court of Kenya and practicing in the firm of M/s Manani, Lilan, Mwetich & Co. Advocates who have the conduct of this matter on behalf of the applicant and therefore competent to swear this affidavit.
  - b. That my office was instructed to register a debenture by Kailash Concrete Enterprise Limited in favor of M Oriental Bank Limited.
  - c. That upon receiving such instructions, we prepared and dated the documents.
  - d. That the registration is out of time by 55 days.
  - e. That unfortunately the debenture was delayed because confirmation of payment of receipt.
  - f. That the debenture was subsequently registered on
  - g. That it is fair and just that the period for noting of the debenture be now extended for a period of 30days.

#### **Decision**

4. This matter is before us to enlarge time on favor of the Applicant. Unfortunately, this same issue was considered and determined appropriately vide Orders dated 23<sup>rd</sup> December 2025. For avoidance of doubt this is what the Court declared;
  2. That Pursuant to Rules 3(1) of the High Court (Practice and Procedure Rules) of the Judicature Act (Cap 8) and Section 3A of the Civil Procedure Act, Article 159 of the Constitution of Kenya and all Enabling Provision of the Law an order is hereby made to enlarge time within which to note the debenture dated 15<sup>th</sup> September 2025 to M Oriental Bank Limited Over Motor Vehicle Registration Number KDU350 V for a period of 30 days.
5. It is so ordered.

**DELIVERED, DATED AND SIGNED AT ELDORET VIA CTS THIS 4<sup>TH</sup> MAY 2026**

**R. NYAKUNDI**

**JUDGE**

