



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC MISC APPL. CASE NO 15 OF 2017

IN THE MATTER OF THE COMPANIES ACT

AND

**IN THE MATTER OF AN APPLICATION TO EXTEND THE TIME FOR REGISTRATION OF
A CHARGE BY**

CO-OPERATIVE BANK OF KENYA LIMITED.....1ST APPLICANT

AND

KIJEGE HOLDINGS LIMITED.....2ND APPLICANT

RULING

1. This application is dated 17th May, 2017 and seeks orders:

1. This application be certified as urgent and service of this application be dispensed with and heard ex-parte in the first instance.
2. This honourable court be pleased to extend the time within which to register the charge dated 11th June, 2014 issued by KIJEGE HOLDINGS LIMITED over Title Number N.(sic) Tharaka/Marimanti/1031 (henceforth the "Property") in favour of CO-OPERATIVE BANK OF KENYA LIMITED with the Registrar of companies for such period of time as this court shall deem appropriate.
3. This honourable court be pleased to grant a further Order pursuant to Section 888 of the Companies Act 2015 that once the Charge is so registered, the said Charge be deemed to have been filed with the Registrar of Companies in full compliance with the Companies Act 2015.
4. The costs of this application be provided for.

2. The application has the following grounds:

1. The Thirty (30) days period being the time prescribed by the Companies Act for registration of the Charge with the Registrar of Companies have expired before the said Charge could be registered.
2. Failure to register the (sic) within the Thirty (30) days period was caused by an inadvertent and excusable misfortune and oversight on the part of the Applicant's Advocates on record.

3. The Applicant Company is required to obtain a Certificate of registration of Charge in order to comply with the Companies Act 2015 Laws of Kenya)

3. The application was filed by way of a certificate of urgency. The application was to be heard before me on 18.5.2017. However the applicants did not come to court. I gave the applicants another date, to wit, the 27th of June, 2017. Once again the parties did not come to court.

4. On 6th September, 2017, one Njuguna acting on behalf of G.K. Kibira, the applicants' advocate, obtained a mention date for directions. The parties were to come to court on 21st September, 2017. They did not come.

5. 3 times the applicants have wasted the court's precious judicial time. It is clear that they are not keen on prosecuting their application. One of the reasons courts have backlogs is failure by the parties to prosecute their applications on given dates. This practice should be deprecated and be discouraged.

6. For non-prosecution of this application and for wasting the court's time, I deem it necessary to dismiss this application.

7. This application is dismissed.

8. I issue no order as to costs.

9. It is so ordered.

Delivered in open court at Chuka this **21st day of September, 2017** in the presence of:

CA: Ndegwa

Applicants absent

P. M. NJOROGE

JUDGE