

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Bankruptcy Cause 14 of 1988

PAUL JOSEPH NGEI.....APPLICANT

VERSUS

OFFICIAL RECEIVER.....RESPONDENT

18.12.1992

Coram: Mbito, J.

Miss Abincha for applicant

Nil for Respondent

Mwai - Clerk

RULING

This application does not appear to have been prepared by a qualified lawyer and if so then the person who prepared it has no business calling himself a lawyer.

This is the second time, the bankrupt is trying to have either absolved or discharged from the orders of bankruptcy. He would by now be a free person. In the first application filed on 22nd July, 1992, he filed an application similar to the current one. It was not supported by a certificate from the official receiver; it had not been advertised and a report had not been filed as it was fixed for hearing one day after filing. It was naturally refused as the document did not ask for discharge.

A similar application was filed herein on 8th December, 1992 and was fixed for hearing on 9th December 1992. Naturally it could not proceed and was adjourned to 15th December, 1992 when I ordered that a proper application be made. It was duly made and came up for hearing on 17th December, 1992. The learned counsel for the respondent objects to the continuation thereof on the grounds that it is not accompanied by a certificate of the official receiver, that it has not been by registrar etc. miss Abicha argues that, that had not been done as the Official Receiver had refused to provide a certificate which fact is not deponed to in the applicant's affidavit and is rightly denied by Mrs. Gachegu. In fact the affidavit merely states that the bankruptcy never had any debtors and the declaration of bankruptcy should be annulled, a matter which is now beyond this court as the declaration was confirmed by the court of appeal.

Looking through this matter I find that the applicant is being misadvised. I have therefore decided to treat the hearing as for directions and now direct as follows:-

1. The Official Receiver should prepare a certificate as engaged by rule 186 of the Bankruptcy Rules and serve it on the Registrar of this court within 7 days hereof for attachment of the current application.

2. on receipt of certificate, the registrar to set down the matter for hearing as per the bankruptcy rules after complying with all its requirements.

Meanwhile all further proceedings herein are stayed until the above exercise is completed. Cost of this application to date to be paid by applicant in any event.

Dated at Nairobi this 18th day of December, 1992.

G.P. MBITO

JUDGE