

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

THE INSOLVENCY ACT

IN INSOLVENCY CAUSE NO.....OF 20.....

RE:.....

t/a:

B.O. /S. I. O. / L. O. made on20.....OF.....

CREDITOR'S PETITION

I, C.D., of [or We, C.D., of and E.F., of], hereby petition the Court that a
Bankruptcy Order may be made in respect of theestate of (a) of (b)
and lately carrying on business at [or residing at] (c), and say: -

1. That the said A.B. has within the period of one year preceding the presentation of this petition resided [or carried on business] at within the jurisdiction of this Court.

2. That the said A.B. is justly and truly indebted to me [or us] in the aggregate in the sum of £..... [set out amount of debt, debtors and the consideration].

3. That I [or we] do not, nor does any person on my [or our] behalf hold any security on the said debtor's estate, or any part thereof, for the payment of the said sum.

(a) Insert name of debtor.

(b) Insert present address and description of debtor.

(c) Insert address or addresses at which the debtor has lately resided or carried on business.

Note.-The address at which the debtor was residing or carrying

on business when the petitioning creditor's debt was incurred should in all cases appear in the petition

Or

That I hold security for the payment of [or part of] the said sum, but that I will give up such security for the benefit of the creditors of A.B. in the event of his being adjudged bankrupt

[or and I estimate the value of such security at the sum of Kshs.....]

Or

That I, *C.D.*, one of your petitioners, hold security for the payment of, &c.

Or

That I, *E.F.*, another of your petitioners, hold security for the payment of, &c.

4. That amount owed by *A.B.* is within the prescribed bankruptcy level in accordance with the Insolvency Act and Rules

5. That *A. B.* is unable or has no reasonable prospect of paying the debt

6. There is no outstanding application to set aside the statutory demand in respect of the debt owed to me by *A. B.*

7. That twenty one days have elapsed since I served the statutory demand upon *A. B.* and neither has he complied with or set aside the statutory demand

8. That atleast two years before this petition, *A. B.* has committed various bankruptcy offences, namely [*here set out the nature and date or dates of the bankruptcy offences relied on*].

Dated this day of, 20.....

(Signed) C.D.

E.F.

Signed by the petitioner in my presence:

Signature of witness.....

Address.....

Description.....

NOTE. - If there is more than one petitioner, and they do not sign together, the signature of each must be separately attested, e.g. "Signed by the petitioner *E.F.* in my presence", etc. If the petition is signed by a firm, the partner signing should add also his own signature, e.g. "*A.S. & Co. F.S.*, a partner in the said firm". If the debtor resides at any place other than the place where he carried on business both addresses should be inserted.

Endorsement

This petition having been presented to the Court on the day of, 20....., it is ordered that this petition shall be heard at [*insert the place at which the debtor is to attend*

on the Receiver] on the day of, 20....., at o'clock in the noon.

And you the said *A.B.* are to take notice that if you intend to dispute the truth of any of the statements contained in the petition you must file with the Registrar of this Court a notice showing the grounds upon which you intend to dispute the same, and send by post a copy of the notice to the petitioner [three] days before the date fixed for the hearing.

