# Unpaid Logistics Balance  Company Liquidation Petition Particulars

Educational sample 311 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

## Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT MOMBASA

INSOLVENCY PETITION NO [reference]

[LOGISTICS CREDITOR PETITIONER] v [DEBTOR COMPANY RESPONDENT]

PETITION

1. The Petitioner is [logistics creditor] and the Respondent is [company], whose verified registration and registered-office particulars are [details]. The petition identifies the competent High Court jurisdiction and the actual statutory grounds for liquidation.

2. The debt arose from the identified cargo and logistics services under [agreement and invoices]. The original charges, acknowledged payments, credits and remaining claimed balance are reconciled in [genuine schedule]. The outstanding sum is not assumed from an old statutory demand.

3. The statutory demand, actual service, response and earlier decisions are identified at [dates and certified records]. Any dispute over the debt and the company grounds are fairly disclosed; an earlier ruling is not represented as a final liquidation order.

4. The Petitioner alleges inability to pay debts on the specific statutory basis supported by [evidence]. The actual unmet payment or security directions and later orders authorising further proceedings are exhibited, with accurate references and terms.

5. The Petitioner seeks a liquidation order and appointment of the proper liquidator or Official Receiver in accordance with the Act, with costs on the lawful basis. The Court discretion under section 427 is acknowledged and no automatic winding-up consequence is asserted.

6. The petition is to use the applicable corporate liquidation form, supporting evidence, service and advertisement process. Related proceedings, securities held and any material change in the balance or company position are disclosed and updated as required.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

## Use and evidence notes

Use the applicable Insolvency Act and current Insolvency Regulations, the correct personal-bankruptcy or company-liquidation prescribed form, supporting affidavit and complete financial disclosure. Check jurisdiction, standing, notices, advertisement, service and actual Court directions. This is substantive wording, not a completed statutory filing pack. Substantive reconstruction, not a completed corporate prescribed form. Check Insolvency Act sections 384, 424–425 and 427 and current Regulations. The source ruling did not determine the petition or appoint a liquidator. Apply the relevant personal-bankruptcy or corporate-liquidation provisions and prescribed procedure, rather than treating every insolvency application as an ordinary civil motion.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

## Source and procedural limits

A logistics creditor petitioned to liquidate a company for a disputed remaining USD 94,202.68 after earlier statutory-demand litigation and payments. The company applied to strike out the petition on grounds similar to its earlier unsuccessful challenge. Previous orders had permitted insolvency proceedings after non-compliance with security directions.

The Court dismissed the company strike-out application out of deference to the earlier coordinate-court orders and directed the petition to proceed before Wangari J. Costs were to abide the petition outcome. It did not make a liquidation order; the creditor still had to satisfy the Court at the petition hearing.

Section 427 preserves the Court choices on the liquidation petition, including dismissal or adjournment. A failed strike-out motion does not establish final insolvency or entitlement to liquidation. Reconcile payments and exact balances without duplicating credits. The narrative has inconsistent dates for earlier orders; use certified orders, not an assumed chronology. Corporate liquidation and personal bankruptcy use different prescribed processes.

[2025] KEHC 9455 (KLR) - 27 June 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/mitchell-cotts-freight-kenya-limited-v-paleah-stores-limited-2025-kehc-9455-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/mitchell-cotts-freight-kenya-limited-v-paleah-stores-limited-2025-kehc-9455-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.