

THE CONSTITUTION OF KENYA
(Article 37 or 119)

PETITIONS TO PARLIAMENTS PROCEDURE ACT, 2012
(Sections 3 & 4)

NATIONAL ASSEMBLY STANDING ORDERS
(Standing Order 219, 220, & 223)

PETITION FOR ENFORCEMENT OF A COURT ORDER IN WINDING UP CASUE NO. 10 OF 1987 ISSUED BY LADY JUSTICE J. KHAMINWA (AS SHE THEN WAS) GIVEN ON 17TH MARCH, 2009 AND ISSUED AT NAIROBI ON 24TH MARCH, 2009 DIRECTING THAT THE DISSOLUTION AND RELEASE IN WINDING UP CAUSE BE STAYED UNTIL THE AMOUNT OF KSHS. 140,000 TOGETHER WITH INTEREST THEREIN FROM 1986 BE PAID TO THE APPLICANT AND ALSO THAT COSTS OF THE APPLICANT BE TO THE APPLICANT.

TO:

THE CLERK OF THE NATIONAL ASSEMBLY,
MAIN PARLIAMENT BUILDINGS,
NAIROBI.



PETITION

I, the undersigned, a citizen of Kenya and resident of Makuyu region

DRAW the attention of the House to the following:

1. THAT the PETITIONER, Mr. Adam King'ori Mwangi, deposited One Hundred and Forty Thousand Kenya Shillings (140,000) with Pioneer building, Thika Branch on July

- 1 -

PETITION concerning....FAILURE BY THE OFFICIAL RECEIVER AND LIQUIDATOR OF PIONEER BUILDING SOCIETY TO PAY ADAM KING'ORI MWANGI, THE SUM SET OUT IN A COURT ORDER.

18, 1986 for a period of 12 months at an interest rate of 15.75%. The **PETITIONER** was issued with Certificate No. 01627.

2. **THAT** subsequently, Pioneer Building Society collapsed in 1987.
3. **THAT** the court appointed the Official Receiver as the liquidator for the affairs of the Society.
4. **THAT** on October 17, 2007, the advocates for the Official Receiver and Provisional Liquidator issued a notice in the Daily Nation of intention to apply for order for release and dissolution of Pioneer building Society (in liquidation) and invited any objections within twenty one (21) days.
5. **THAT** the **PETITIONER** then filed an application dated November 15, 2007 in Court being **Nairobi High Court Winding Up Cause No. 10 of 1987**, objecting to the orders for release and dissolution of the Society. (I annex herein and mark as **AKM-1** a copy of the said application and the supporting affidavit and annexures).
6. **THAT** on February 18 2007 the Official Receiver and Provisional Liquidator's advocate filed an objection to the **PETITIONER's** application. (I annex herein and mark as **AKM-2** is a copy of the said objection).
7. **THAT** the court on March 17th, 2009 gave an order (issued on March 24th, 2009) pursuant to the **PETITIONER's** application of November 15, 2007, staying the dissolution and release of any money until the **PETITIONER's** deposit of K.shs. 140,000 together with interest from 1986 was paid. (I annex herein and mark as **AKM-3** a copy of the said court order).
8. **THAT** in June 2009, the **PETITIONER** lodged a complaint with the Public Complaints Standing Committee now referred to as the Commission on Administrative Justice seeking intervention due to the delay and/or failure by the Official Receiver and Provisional Liquidator to comply with the court order issued on March 17th, 2009 and seeking immediate payment. (I annex herein and mark as **AKM-4** a copy of the correspondence with the Public Complaints Standing Committee).
9. **THAT** the **PETITION** is premised on the court order of March 17th, 2009 instructing the Official Receiver and the Provisional Liquidator to stay the release and dissolution until the **PETITIONER's** deposit is paid with interest. The Attorney General and all other government agencies have not assisted the **PETITIONER** in this matter despite request for intervention.

10. **THAT** the Official Receiver and Provisional Liquidator disputed the authenticity of the court order and wrote to the Deputy Registrar, Milimani Law Courts seeking confirmation of the same. (I annex herein and mark as **AKM-5** a copy of the said correspondence).
11. **THAT** the Deputy Registrar did confirm that the order is genuine and was issued pursuant to hearing of the **PETITIONER's** application of November 15 2007. (I annex herein and mark as **AKM-6** a copy of the said letter from the Deputy Registrar).
12. **THAT** the Official Receiver and Provisional Liquidator argued that the Petitioner had been paid K.shs. 58,867.85 being the first and second dividend has been paid to all the other depositors. Therefore, the Official Receiver and Provisional Liquidator view the **PETITIONER's** objection to the orders for release and dissolution as unfounded.
13. **THAT** this matter has been ongoing since 1987, which negates the right to administrative action that is efficient, procedurally fair and expeditious.
14. **THAT** Public Complaints Standing Committee has previously addressed itself to the issues raised by the Official Receiver and the Provisional Liquidator and the **PETITIONER**, all matters considered the **PETITIONER** requires his deposit refunded with interest thereon in compliance with the court order. In view of the fact that the Deputy Registrar has confirmed that the court order is genuine, it then should follow that the Official Receiver and Provisional Liquidator should comply with the court order and pay the **PETITIONER** as ordered by the court.
15. **THAT** the Petitioner confirms that the issues in respect of which the **PETITION** is made are not pending before any court of law, or constitutional or legal body because, the Court issued final orders on 17th March 2009, directing payment of Kshs. 140,000.00 plus interest from 1986.
16. **THAT** the order of payment issued by the Court has never been challenged.

HEREFORE your **PETITIONER** humbly Pray that Parliament-

- (a) Summons the Honourable Attorney to explain why the court order directing that the herein be paid a sum of K.shs. 140,000 and interest has not been complied with.
- (b) Directs the Honourable Attorney General to explain the position of the matter.

(c) Directs that the Honourable Attorney General do pay/ensure that payment as per the court order is made to the within a reasonable time to be determined by Parliament.

(d) Makes any other order and/or direction that it deems fit in the circumstances of the case.

And your **PETITIONER** will Pray.

ADAM KING'ORI MWANGI

C/O PUNDAMILIA PRIMARY SCHOOL,

P.O BOX 105

KENOL-MAKUYU

LD NO. .3597646

SIGNATURE/THUMB IMPRESSION.



→ 5/4/2013

18/

**IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY (IN LIQUIDATION)**

AND

IN THE MATTER OF THE COMPANIES ACT (CAP 486) LAWS OF KENYA

AND

IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION

NOTICE TO CREDITORS AND CONTRIBUTORIES OF

INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

TAKE NOTICE that in accordance with Section 247(1),(3) and Rule 192 of the Laws of Kenya we the Official Receiver and Provisional Liquidator of the above named company **PIONEER BUILDING SOCIETY (IN LIQUIDATION)** intend to apply to Court for an Order for our release and dissolution of the above named company and **FURTHER TAKE NOTICE** that any objection you may have to the granting of our release and dissolution must be notified to the Court within Twenty One (21) days from the date of this notice.

A summary of all receipts and payments in the Winding Up are ready for inspection at the office of the Official Receiver and Provisional Liquidator at Ngumbwa House, 2nd Floor, Tom Mboya Street on the 23rd and 24th days of October, 2007 during the working hours of 9.00 am to 3.00 pm.

DATED at Nairobi this 17th day of October 2007

**WANGAI NYUTHE & COMPANY
ADVOCATES FOR
OFFICIAL RECEIVER & PROVISIONAL LIQUIDATOR
FOR PIONEER BUILDING SOCIETY (IN LIQUIDATION)**

**DRAWN & ADVERTISED BY
WANGAI NYUTHE & CO. ADVOCATES
SUITE NO. 11,
KUGERIA COURT,
RALPH BUNCHE ROAD,
P. O. BOX 10259 GPO,
00100 NAIROBI**

DEPT NAIROBI FILE 18/10/07 Pg 61.
PTK

This is the Exhibit marked _____
Referred to in the Annexed Affidavit
of _____
Declared
before me on this _____ Day of _____
Year _____ on _____

Commissioner for Oaths

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION

AND
IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

CERTIFICATE OF URGENCY

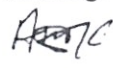
HIGH COURT OF KENYA
Nairobi
16 NOV 2007
RECEIVED

I ADAM KINGORI MWANGI of Post Office Box 105 MAKUYU the applicant herein hereby certify that the application herein is urgent as the Pioneer Building Society is likely to be wined up which will cause untold suffering to the applicant.

DATED at Thika this 15TH day of NOV 2007.



Adam Kingori Mwangi
The Applicant

DRAWN AND FILED BY :-
Adam Kingori Mwangi
P.O. Box 105 
MAKUYU

P. 207

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION
AND
IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

SUPPORTING AFFIDAVIT

I ADAM KINGORI MWANGI of Post Office Box 105 Makuyu within the Republic of Kenya do hereby make oath and state as follows:-

1. That I am the one of the depositors with Pioneer Building Society now under receivership.
2. That I deposited Ksh. 140,000/= on 18th July 1986.
3. That this amount is being held by the society.
4. That I have already registered an objection in this winding up by my Affidavit dated 5th November 2007 filed in court the same day.
5. That I make this affidavit in support of my application that this dissolution and release be stayed until and my dues are paid.
6. That what is stated herein is true to the best of my personal knowledge, information and belief.

SWORN by the said ADAM KINGORI MWANGI

At Thika on this 5 day of Nov 2007

Before me

COMMISSIONER FOR OATHS

Drawn & Filed by:
Adam Kingori Mwangi
P.O. Box 105
MAKUYU

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION
AND
IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

CHAMBER SUMMONS

(The provisions of the company Act Under Section 3A of the Civil Procedure Act)

LET ALL PARTIES CONCERNED attend the Judge in chambers on the ^{4TH} day of ~~DECEMBER~~ ²⁰⁰⁷ at 9.00 O'clock in the forenoon or soon thereafter when the applicant may be heard for orders -

- (a) That the dissolution and release in winding up cause be stayed until my amount of Ksh 140,000/= together with interest therein from 1986 to date is paid to me As per the attached Ant-corruption Court Ruling.
- (b) That cost of this application be on the cause

THIS APPLICATION is grounded on the annexed affidavit of **ADAM KINGORI MWANGI** filed herewith and on the following grounds.-

- (a) That I will suffer loss of my deposit if the dissolution and release is allowed.

DATED at Thika this ^{15TH} NOV. 2007.

2007

Adam Kingori Mwangi
THE APPLICANT

DRAWN & FILED BY
Adam Kingori Mwangi
P O BOX

TO BE SERVED UPON

The Official Receiver and
Provisional Liquidator,
Pioneer Building Society Ltd.,
NAIROBI. NAIROBI

If any party served does not appear in court on the date and time above mentioned the court will proceed and such orders given as it may deem fit and expedient

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION
AND
IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

TO

The Official Receiver and
Provisional Liquidator
Pioneer Building Society Ltd
NAIROBI

HEARING NOTICE.

TAKE NOTICE that this case has been fixed for hearing on 30th January, 2008 at 9.00 O'clock for the application dated 15th November, 2007 in the forenoon or soon thereafter.

TAKE FURTHER NOTICE that in default of your attendance the court may proceed to hear the matter and make orders, your absence notwithstanding.

DATED at Nairobi this

4th day of December

2007.

ADK
ADAM KINGORI MWANGI
PLAINTIFF

DRAWN AND FILED BY:
ADAM KINGORI MWANGI
P.O Box 105
MAKUYU

(1) 21ST FEB 2008
(4) 2nd APRIL 2008
3 JUNE 2008
(5) 12TH JULY 2008
(6) 30ST JULY 2008
7 22nd OCT. 2008
(2) 7TH MARCH
(3) 10TH MARCH

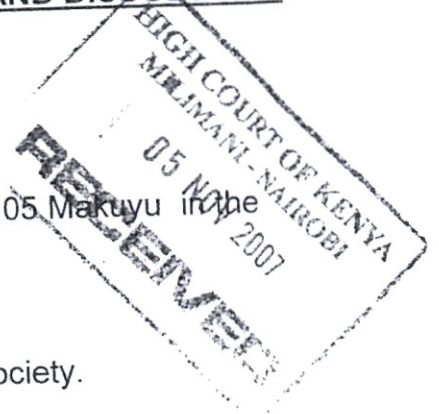
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION

AND

IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

AFFIDAVIT

I **ADAM KINGORI MWANGI** of Post Office Box Number 105 Makiyu in the Republic of Kenya make oath and state as follows:-


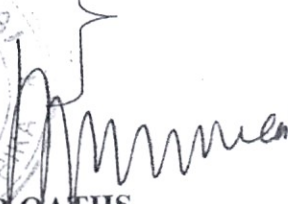


1. That I am one of the depositors with Pioneer Building Society.
2. That I deposited Ksh. 140,000/= on 18th July 1986.
3. That this amount is still being held by the said society or its receiver or liquidator.
4. That I have received a notice dated 17th October 2007.
5. That I object to dissolution of the said Pioneer Building Society until I have received my money.
6. That what is stated herein is true to the best of my knowledge and information.

Sworn by the said **ADAM KINGORI MWANGI**

at Thika this 5th day of Nov 2007.



BEFORE ME


COMMISSIONER FOR OATHS

PIONEER BUILDING SOCIETY

Pioneer Building Society House
Stadium Road
P.O. Box 1205
Telephone 22687, 22690
Thika, Kenya

Mr. Adam Kingori Mwangi;
P.O. BOX-147 105
Thika

Housing Dept

MILKUNYU

18th July 1986

Dear Sir,

FIXED DEPOSIT CERTIFICATE NO. 01627 DATED 18TH JULY 1986

We enclose herewith our above certificate for a fixed deposit of 140,000/= (say shillings One hundred forty thousands only). The deposit is for a period of twelve months and attracts an interest of **15.75%** P.a. The maturity date for this deposit is 18th July 1987.

We wish to thank you for the confidence you have shown in the Society and look forward to your continued banking with us.

With kind regards,

Yours faithfully,
FOR: PIONEER BUILDING SOCIETY.

John Mwangi
NDAMBINI NJOKA
M A N A G E R

JNN/Vwn

Encl.

(INCORPORATED UNDER THE BUILDING SOCIETIES ACT CAP 489)

PIONEER BUILDING SOCIETY

01627

Branch THIKA

Midland House
Koinange/Moktar Daddah Streets
P.O. Box 42568 Nairobi, Kenya

DEPOSIT CERTIFICATE

Received From

MR. ADAM KINGORI MWANGI

Address

P.O BOX 147 THIKA

Date 18TH JULY 1986

The sum of Kenya Shillings ONE HUNDRED FORTY THOUSANDS ONLY

K.shs. 140,000/=

Cash/Cheque/FDR No.

as a fixed deposit for TWELVE months. At interest rate of 15.75%

Per Cent Per Annum Payable

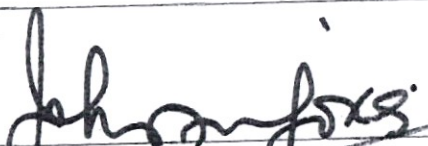
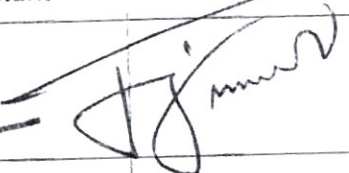
At the above branch on 18TH JULY 1987

When interest will cease

Manager

Accountant

Deposit Receipt No.

		01627
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NOT TRANSFERABLE

*** PBS/DC+5000

Principal Sum

K shs 140,000.00

Interest Dated From 18.7.86

To 13 2 87

K shs 12,638.20

Total

Kshs. 152,638.20

RECEIVED the above - mentioned sum of Kenya Shillings
this _____ day of _____

[Signature]

Dimband AD. 49,623/65

Balance 102,064/55 *[Signature]*

21/2/87

2nd Dimband AD Ksh. 9,344/20

308



East African Building Society

INVESTMENTS AND LOANS

090947

Nairobi 18 JUL 1986

19



BARCLAYS

Barclays Bank of Kenya Limited
Queensway House Nairobi Kenya



Pay ADAM KINGORI MWANGI *or Order*

Kenya Shillings ONE HUNDRED THIRTY

K. Sh. 139,995/-

NINE THOUSAND NINE HUNDRED
NINETY FIVE ONLY.

For EAST AFRICAN BUILDING SOCIETY, KIMATHI ST., NAIROBI.

Account

[Signature]

MANAGER

ACCOUNTANT

A/C No. 1392296

This is to Certify
that Mr. Adam Mwangi
Munira of Kenya Airways Ltd,
P.O. Box 147, Nairobi

has opened a fixed
deposit and insurance deposit at today at
Kenya Labourers Building Society
with Ksh 100,000/-
Three hundred and forty
thousand sh. only
for a period of 12 months
@ interest rate of 15 3/4 p.a.

② Certificate of
deposit of Ksh 100,000/-
to Adam Mwangi
Kenya Labourers
Building Society
18/7/1986

KENYA ANTI-CORRUPTION COMMISSION



INTEGRITY CENTRE
(Valley Rd. /Milimani Rd.
Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya

Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

Our ref: KACC/INV. 6/2/2 Vol. VI (17)
Case No: 10813

2nd April 2007.

Adam King'ori Mwangi,
Punda Milia Primary School,
P.O. Box 105,
MAKUYU

Dear Sir,

RE: COMPLAINT ON THE COLLAPSED PIONEER BUILDING SOCIETY

Your letter dated 26th March 2007 on the above matter is acknowledged.

The interests of depositors, after the collapse of financial institutions such as banks, are catered for by the Deposit Protection Fund Board, based at the Central Bank of Kenya. We would, therefore, advise that you seek assistance, and/or further advice, from the said Board.

It is however noted that it is over 20 years since the collapse of the institution, and wish to point out that claims of a contractual nature become time-barred after six years. Kindly therefore, be advised accordingly.

Yours faithfully,

P. M. MWANGI 'ndc' (K)
FOR: DIRECTOR/CHIEF EXECUTIVE

PMM/dnk.

On the frontline against Corruption

KENYA ANTI-CORRUPTION COMMISSION

INTEGRITY CENTRE
(Valley Rd. /Milimani Rd.
Junction)
P.O. Box 61130
00200 - NAIROBI, Kenya



Tel.: 254 (020) 2717318/310722
Fax: 254 (020) 2719757
Email: kacc@integrity.go.ke
Website: www.kacc.go.ke

When replying please quote:

Our Ref: KACC/INV. 6/2/2 Vol. VI / (31)
Case no. 10813

21st May 2007

Adam King'ori Mwangi,
Punda Milia Primary School,
P.O. Box 105,
MAKUYU

Dear Sir,

RE: COMPLAINT ON THE COLLAPSED PIONEER BUILDING SOCIETY

Reference is made to your letter dated 9th May 2007, on the subject above.

We note that we have already responded to you vide our letter ref. **KACC/INV. 6/2/2 Vol. VI (17)** dated 2nd April 2007. Kindly, heed the advice given.

Yours faithfully,

P. M. MWANGI, 'ndc' (K)
FOR: DIRECTOR/CHIEF EXECUTIVE

PMM/JMN

unsuccessful or the period during which the public officer should appeal lapses without an appeal being lodged.

Disqualification from being elected or appointed as a public officer for ten years after the conviction.

Court

Fine not exceeding one million shillings or to imprisonment for a term not exceeding ten years, or to both; and

Additional compulsory fine if, as a result of the corrupt conduct the person received a benefit or any other person suffered a loss that can be measured in money terms.

The additional compulsory fine shall be two times the amount of the benefit or loss. If the conduct results in both a benefit and a loss, the mandatory fine shall be two times the sum of the benefit and the loss.

Full compensation to anyone who suffers a loss as a

Causes of Corruption

Causes of Corruption include:

Bad Governance

Political Patronage

Lack of Political Will

Breakdown/erosion/perversion of societal values and norms

Non enforcement of the law

Tribalism, favoritism, nepotism and cronyism

Weak or absence of management systems, procedures and practices

Misuse of discretionary power vested in individuals or offices

Weak civil society and apathy

Lack of professional integrity

Lack of transparency and accountability

Effects of Corruption

These include:

Poor infrastructure e.g. impassable roads, poor telephone network

Increased cost of goods and services

Increased poverty

Shoddy work and stalled projects

Poor medical services (e.g lack of medicine and doctors)

Scaring away and relocation of investors to other countries

Reduced investment in our economy

Unemployment

Rise in crime rate and insecurity

Delay, denial and sale of justice in our courts

Irregular/illegal acquisition of public land, property and utilities

Social unrest

Benefits of Fighting Corruption

If we join hands in fighting corruption:

Our economy will grow and:

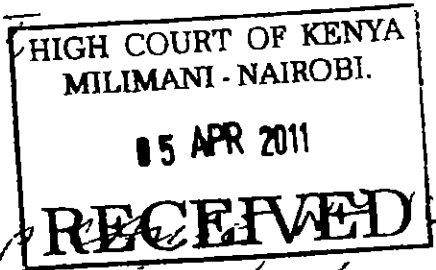
Increase government revenue

Create more jobs

MILIMANI PKI. SCHOOL,
P. O BOX 105
KENOL - 'MAKUYU

4TH. APRIL 2011

TO DEPUTY REGISTRAR,
MILIMANI COMMERCIAL COURT
P. O. BOX 30420,
NAIROBI



Dear Sir,

RE: H.C.C WINDING UP
P.C.S.C. AG/001/133/09/PK.
ADAM KINGORI MWANGI.

The main point of writing you this letter is to request you to give me two copies of letters, i.e.

(1) A copy of the letter Ref. OR/PBS/20/64/2007/ZN of August 25 2010 written to you by Wangi Nyithe Advocates and a copy copied to P.C.S.C. Chairman Ambassador James Simani.

(2) A response which you copied to P.C.S.C. confirming that the order was indeed granted by our Honorable Court concerning my Application dated 15TH. NOV. 2007. Ruling on 17TH. March 2009. ORDER DATED 24TH. March 2009.

Yours faithfully,
ADAM KINGORI MWANGI

Telegrams: "MILIMANI COURT", Nairobi
Telephone: Nairobi 2715620 (Office)
When replying please quote



HIGH COURT OF KENYA
COMMERCIAL DIVISION, MILIMANI
P.O. BOX 30420
NAIROBI

Ref. No.....
and date

Date.....20.....

12th April 2011

HC. WC. NOs. 5/1987 & 10/1987

✓ Adam Kingori Mwangi
C/o Pundamilia Primary School
P.O. Box 105

KENOL – MAKUYU

Dear Sir,

HC. WC. NO. 5 OF 1987

IN THE MATTER OF CAPITAL FINANCE LTD

AND

HC. W. NO. 10 OF 1987

IN THE MATTER OF PIONEER BUILDING SOCIETY

Your unreferenced letter dated 4th April, 2011 refers.

I enclose copies of the letters requested for in your letter under reference.

Please acknowledge receipt.

Yours faithfully


E. A. A. OBENDO
FOR: DEPUTY REGISTRAR

WANGAI NYUTHE & CO.
ADVOCATES

Commissioners for Oaths & Notaries Public

Wangai Nyuthe
Zachariah Ngome
Anthony Wachira
Ben Musundi

Tel. 2724709
2724751
2724705
2724754
Fax: 2724688
e-mail: wnyuthe@kenyaweb.com

Suite No. 11
Kugeria Court
(Next to Upper Hill Medical Centre)
Ralph Bunche Road
P. O. Box 10259 GPO
00100-NAIROBI

Cur Ref: OR/PBS/20/GL/2007/ZN

Your Ref:

Date: 25TH AUGUST, 2010

THE DEPUTY REGISTRAR,
MILIMANI COMMERCIAL COURTS,
NAIROBI.



Dear Madam,

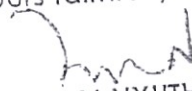
RE: FORENSIC AUDIT INTO THE AFFAIRS OF PIONEER BUILDING SOCIETY (IN LIQUIDATION) AND CAPITAL FINANCE LIMITED (IN LIQUIDATION)

We refer to the above matter. Enclosed is a copy of an order purportedly from your court. According to the Ruling issued by Honourable Justice J. Khaminwa on 17th March, 2009, no such orders were issued to Adam Kingori Mwangi. The said Adam Kingori Mwangi is using the said order to coerce our clients to pay some money when no such order was ever issued.

We enclose a copy of the Ruling by Justice Khaminwa which is on court record. Would you kindly but urgently confirm the correct position as Mr. Adam Kingori Mwangi's application has never been argued and the honourable Judge never issued such an order.

Your prompt response shall be appreciated.

Yours faithfully,


WANGAI NYUTHE & COMPANY

C.C. OFFICIAL RECEIVER,
PIONEER BUILDING SOCIETY,
NGUMBA HOUSE, 2ND FLOOR,
TOM MBOYA STREET,
P.O. BOX 42568,
00100-NAIROBI.

C.C. PUBLIC COMPLAINTS STANDING COMMITTEE
SHELL AND BP HOUSE, 6TH FLOOR,
HARAMBEE AVENUE,
P.O. BOX 20414,
00200-NAIROBI.

/rg

WC. NO. 5 & 10/1987

3rd September, 2010

Wangai Nguthe & Co
Advocates
P.O. Box 10259-00100,
NAIROBI

Dear Sirs

**HC. WC. NO. 5 OF 1987
IN THE MATTER OF CAPITAL FINANCE LTD (IN LIQUIDATION)**

**HC. WC. NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY**

Thank you for your letter Ref OR/PBS/20/GL/2007/ZN dated 25th August, 2010.

The order complained about was granted by this court pursuant to the Chamber Summons application dated 15th November, 2007. A copy of the ruling dated 17th March 2009 is enclosed for your reference.

Yours faithfully



**E. A. A. OBENDO
FOR: DEPUTY REGISTRAR**

Encls.

**CC: The Official Receiver
Pioneer Building Society
P. O. Box 42568-00100
NAIROBI**

**Public Complaints Standing Committee
P. O. Box 20414-00200
NAIROBI**

CHAIRMAN: AMBASSADOR JAMES SIMANI
VICE CHAIRMAN: GRAZIA MADOKA
MEMBERS: PETER KAPONGU & NAFISA ABASS
EXECUTIVE DIRECTOR: KENNETH MWIGI

Our Ref: PCSC/AG/001/153/09/PK

November 12, 2010

Mrs. Bernice W. Gachaga
Registrar General
Sheria House
NAIROBI

Dear Bernice,

RE: HCCC WINDING CAUSE NO. 10 OF 1987
MR. ADAM KINGORI MWANGI

We write with reference to the above matter and to a letter Ref. OR/PBS 20/GL/2007/ZN of August 25, 2010 from Wangai Nyuthe Advocates to the Deputy Registrar Milimani Commercial Courts and copied to us.

Subsequently, we have received a response copied to us from the Deputy Registrar Milimani Commercial Courts confirming that the order was indeed granted by the court and enclosing a copy of the ruling (enclosed).

In view of the above confirmation, would the Official Receiver please pay the complainant his deposit and interest thereon in compliance with the court order.

An early response in the matter will be appreciated given the length of time (24 ¹/₂ years) which has elapsed. See the aide memoire attached for your use.

Yours

Sincerely,

James Simani

Amb. James Simani
CHAIRMAN

cc: Mr. Adam King'ori Mwangi
Fundamilia Primary School
P.O. Box 105
KENOL-MAKUYU

This copy should not have been issued from the file. Who issued it? A copy was given to Mr. Thigithi to record. 21/02/11 Gachie

15/11/2010



THE PUBLIC COMPLAINTS
STANDING COMMITTEE

RECEIVED
12 NOV 2010
RESPONSE UNIT
This copy was issued to Thigithi to Wangai Nyuthe who later issued it to Mr. Adam King'ori Mwangi. 21/02/11 Gachie



AIDE MEMOIRE

Background of the Complaint

The complainant, Mr. Adam King'ori Mwangi, deposited One Hundred and Forty Thousand Kenya Shillings (140,000) with Pioneer Building), Thika Branch on July 18, 1986 for a period of 12 months at an interest rate of 15.75%. The complainant was issued with Certificate No. 01627.

Subsequently, Pioneer Building Society collapsed in 1987 and the court ordered it should be wound up vide cause No. 10 of 1987. The court appointed the Official Receiver as the liquidator for the affairs of the Society. On October 17, 2007, the advocates for the Official Receiver and Provisional Liquidator issued a notice in the Daily Nation of intention to apply for orders for release and dissolution of Pioneer Building Society (in liquidation) and invited any objections within twenty one (21) days. The complainant then filed an application objecting to the orders for release and dissolution of the Society dated November 15, 2007. On February 18, ~~2007~~ ²⁰⁰⁸, the Official Receiver and Provisional Liquidator's advocate filed an objection to the complainant's application.

The complainant asserts that the court on March 24, 2009 issued an order pursuant to his application of November 15, 2007, staying the dissolution and release until the complainant's deposit of Kshs. 140,000 together with interest from 1986 was paid. In June 2009, the complainant lodged a complaint with the PCSC alleging delay and/or failure by the Official Receiver and Provisional Liquidator to comply with the court order of March 24, 2009 and seeking immediate payment.

Issues in Contention

- i. The complaint is premised on the court order of March 24, 2009 instructing the Official Receiver and the Provisional Liquidator to stay the release and dissolution until the complainant's deposit is paid with interest. The Official Receiver and Provisional Liquidator disputes the authenticity of the court order and has written to the Deputy Registrar Milimani Law Courts seeking confirmation of the same. The Deputy Registrar has since confirmed that the order is genuine and was issued pursuant to hearing of the complainant's application of November 15, 2007.

- ii. Moreover, the Official Receiver and Provisional Liquidator argues that the complainant has so far been paid 58,867.85 being the first and second dividend as has been paid to all the other depositors. Therefore, the Official Receiver and Provisional Liquidator views the complainant's objection to the orders for release and dissolution as unfounded.

PCSC has addressed itself to the issues raised by the Official Receiver and the Provisional Liquidator and the complainant, all matters considered the complainant requires his deposit refunded with interest thereon in compliance with the court order. In view of the fact that the Deputy Registrar has confirmed that the court order is genuine, it then should follow that the Official Receiver and Provisional Liquidator should comply with the court order and pay the complainant as ordered by the court.

Moreover, this matter has been on going since 1987, which negates the right to administrative action that is efficient, procedurally fair and expeditious.

YD
12/11/2010

IN THE HIGH COURT OF KENYA
WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION
AND
IN THE MATTER OF AN APPLICATION OF RELEASE AND
DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND
DISSOLUTION

IN COURT ON 17TH MARCH 2009 BEFORE
THE HONOURABLE LADY JUSTICE J. KHAMINWA

ORDER

UPON READING the Chamber Summons application dated 15th day of November 2007 and presented to this Honourable Court on the 16th November 2007 by the Applicant, under Section 3A of the Civil Procedure Act AND UPON READING the supporting affidavit of **ADAM KINGORI MWANGI** sworn on the 5th November 2007 together with all the enabling annexures thereto and UPON HEARING the Applicant and the Counsel for the Respondents.

IT IS HEREBY ORDERED:

1. THAT that the dissolution and release in winding cause be and is hereby stayed until the amount of Kshs.140,000/= together with interest herein from 1986 is paid the Applicant.
2. THAT the cost of this application to the Applicant


GIVEN under my hand and seal of this Honourable Court at Nairobi this 17th March, 2009.

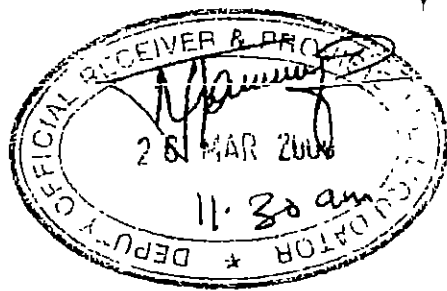
Issued at Nairobi this 24th day of March 2009.

certify that this is a true copy of the original

Deputy Registrar
Court Commercial & Tax Division
Milimani - Nairobi

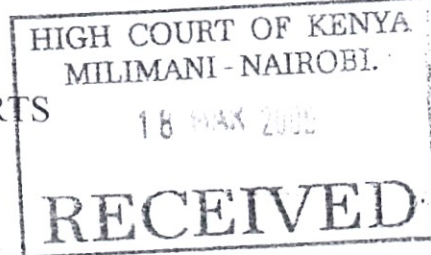
Date: 24-3-09


DEPUTY REGISTRAR
DEPUTY REGISTRAR
HIGH COURT OF KENYA
MILIMANI COMMERCIAL COURTS
MILIMANI - NAIROBI
NAIROBI



PUNDAMILA PRIMARY SCHOOL
P.O. BOX 105
KENOL
18TH MARCH 2009

TO REGISTER *ARR*
MILIMANI COMMERCIAL COURTS
P.O. BOX 30420
NAIROBI



Dear Sir,4e

RE: W.C. 10/87 i.e

MY APPLICATION DATED 15TH NOV 2007 AND FILED IN HIGH COURT
ON 16TH NOV. 2007.

The main point of writing to you this letter is to request you to draw a
service order to the official receiver and ask him to pay me as per SHAMBA *SHAMBA*
SUMMONS DATED 15TH NOV. 2007.

While drawing this SERVICE ORDER , please consider the cost of this
application. Kshs. 57,750.

The ruling of this application was on 17th March 2009.

Yours faithfully

ADAM KING'ORI MWANGI. *AK*

RE: LETTER DATED
12TH NOV. 2010

P.C.S.C

FORM SERIAL NO. AG/001/133/09/PI
THE COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman" ATTACH
D

Chair: Cmmr. Otiende Amollo, EBS.
V. Chair: Dr. Regina G. Mwachia, MBS.
Member: Cmmr. Saadia A. Mohamed



Hata Mnyonge Ana

CAJ 1

COMPLAINT FORM CAJ/AG/001/133/09-PC

The Commission on Administrative Justice (CAJ) was established by the Commission on Administrative Justice Act No. 23 of 2011 pursuant to Article 59(4) of the Constitution. The Commission has a mandate *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission has a quasi-judicial mandate to deal with maladministration through, conciliation mediation and negotiation where appropriate.

1. Complainant's Particulars

Names: ADAM KINGORI MWANGI
Gender: Male Female ID No. 3597646
Address: PUNBAMILIA PRM. SCHOOL, BOX 105,
KENOL - MAKUYU
Telephone: 0700787332 Email:
County: KENYA → NAIROBI NYERI
Are you in the Public Service Private Sector Other SMALL SCALED FARMING,

2. Which Public Institution or Public Officer are you complaining about?

Ministry/Department/Agency: OFFICIAL RECEIVER AT
STATE LAW OFFICE
County: KENYA → NAIROBI

Have you complained to the Public Institution or Public Officer involved?

Yes If yes, what was the outcome of your complaint?

THE REGISTRAR GENERAL DID NOT
OBEY THE COURT ORDERS.

No If No, please give your reason/s. ACCORDING TO THE ATTACHED
LETTER DATED 18/2/08
BY HER ADVOCATES SHE DONT RECOGNIZE
KENYA PARLIAMENT HAVING PASSED ANTI-
CORRUPTION AND ECONOMIC CRIME ACT

Have you reported this matter to any other public institution/public official?

2003,

Yes No TO JUSTICE & CONSTITUTIONAL
If Yes, which one? AFFAIRS MINISTER HON. MUJIBU KILON

3. Has this matter been the subject of Court proceedings?

Yes No

4. Please give a brief summary of your complaint and attach all supporting documents

THE COURT SERVED ME AND OFFICIAL RECEI
WITH AFFIDAVIT OF SERVICE ORDER II RULE 1
ON 25/2/08 AND (ii) AFFIDAVIT OF SERVICE
RULE 15(1) ON 13/3/08. THE COURT ALSO
SERVED ME AND OFFICIAL RECEIVER WITH ATT
RULING ORDER ON 26/3/09.

5. What are the specific issues you want the CAJ to inquire into?

- (i) WHY THE OFFICIAL HAS FAILED TO O
THE COURT RULING ORDERS.
- (ii) WHY HAS THE OFFICIAL RECEIVER
FAILED TO RECOGNISE THE KENYA
PARLIAMENT HAVING PASSED ANTI-CORR
TION AND ECONOMIC CRIME ACT 20

6. What is the action you want taken?

I WANT THE COMMISSION ON ADMIN STRA
JUSTICE TO ASK HER TO OBEY THE

Signature: *[Signature]* Date: 7/5/2012 COURT
RULIN
ORDI

SECTION C: OFFICIAL USE ONLY

Classification:

Comments by screening officer

Chair: Cmmr. Otiende Amollo, EBS.
V. Chair: Dr. Regina G. Mwatha, MBS.
Member: Cmmr. Saadia A. Mohamed



THE
COMMISSION ON ADMINISTRATIVE JUSTICE
"Office of the Ombudsman"

18th June 2012

Handwritten: C.A.J./AG/001/133/09/-PC
Mrs. Bernice W. Gachege
Department of Registrar General
State Law Office
Sheria House, Harambee Avenue
Nairobi

Dear Madam,

**RE: HCC WINDING CAUSE NO. 10 OF 1987
MR. ADAM KING'ORI MWANGI**

Receive warmest compliments from the Commission on Administrative Justice.

As you will by now know, the Commission on Administrative Justice is a fully fledged Constitutional Commission, and successor to the erstwhile Public Complaints Standing Committee, but with a wider mandate and far-reaching powers.

The Commission has a mandate *inter-alia*, to investigate any conduct in state affairs or any act or omission in public administration in any sphere of Government and complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct. Further, the Commission has a quasi-judicial mandate to deal with maladministration through, conciliation mediation and negotiation where appropriate.

In the conduct of its functions the Commission has powers to conduct investigations on its own initiative or on a complaint made by a member of the public, issue Summons and require that statements be given under oath, adjudicate on matters relating to Administrative Justice, obtain relevant information from any person or Government authorities and to compel production of such information.

We have reviewed this file and noted that the PCSC, as it then was, wrote to you on 12th November 2010 in which you responded vide your letters dated 16th December 2010 and 18th November 2010 (copies enclosed for ease of reference) indicating that you would update our office on the outcome of the review application once heard and determined. From our records, it does appear no response was received in respect of these letters.

... serves as a REMINDER, we humbly but firmly
... legal rights made and revert to this office
... same time; make
... and literature in the event



VINCENT CHAHALE

FOR: CHAIR OF THE COMMISSION

✓ Copy to: Mr. Adam King'ori Mwangi
Pundamilia Primary School
P.O. Box 105
KENOL - MAKUYU



Our Ref: PCSC/AG/001/133/09-SC

20th August, 2012

C.A.J./AG/001/133/09/-AC
Mr. Adam King'ori Mwangi
Pundamilia Primary School
P.O box 105
KENOL-MAKUYU

*ie. effective
18th June 2012*

Dear Sir,

RE: HCC WINDING CAUSE NO.10 OF 1987-MR. ADAM KING'ORI MWANGI

Kindly receive warmest compliments from the Commission on Administrative Justice.

The Commission is in receipt of a response from the Registrar General dated 17th July 2012 of which we have noted their response.

As you are aware, we have since 2009, been following up the settlement amount totalling to Ksh 144,000 that the Court had ordered to be paid to you. We have received a copy of the ruling dated 2nd March 2012 in which the earlier Court orders to the effect that you be paid the said sums have been set aside.

In light of this new development, we can no longer assist you enforce the Orders since they have been set aside by an Appellate Court.

We are therefore proceeding to bring this matter to a close and shall mark our file accordingly.

We assure you of our highest regards.

Yours Sincerely,

CMMR. OTIENDE AMOLLO, EBS
CHAIR OF THE COMMISSION

CC. Mrs. Bernice W. Gachegu
Department of Registrar General
State Law Office
Sheria House, Harambee Avenue.
NAIROBI.

REPUBLIC OF KENYA

Telegraphic Address
'Bunge', Nairobi
Telephone 221291
Fax: 243694
E-mail: bunge@swiftkenya.com



Clerk's Chambers
National Assembly
Parliament Buildings
P. O. Box 41842 -00100
NAIROBI, Kenya

When replying please quote
Our Ref: DLS/GEN/SMM/2012
You're Ref:

17th September, 2012

Mr. Adam Kingori Mwangi,
Punda Milia Primary School,
P.O. Box 105-01020,
MAKUYU.

Dear Sir,

**RE: NAIROBI HIGH COURT WINDING UP CAUSE NO. 10 OF 1987
IN THE MATTER OF PIONEER BUILDING SOCIETY**

(IN LIQUIDATION)

*RE: HLCC WINDING UP CAUSE NO 10
OF 87. CA. #AY/001/133/09/-P.C. ADAM
KINGORI MWANGI*

We acknowledge with thanks, receipt of your letter dated 11th September, 2012 together with the attached documents and have noted the contents thereof.

We note that your request as currently framed cannot be considered by the National Assembly, as a petition because it crystallizes into a question to the Honourable Attorney-General, under whose docket, the Department of the Registrar General is answerable.

We would therefore advise that you pursue the matter with your constituency Member of Parliament or request any other Member to ask a question on your behalf, to the Honourable Attorney-General, as to why the Registrar General has not complied with the court order.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'S. M. Mwendwa'.

S. M. MWENDWA,
LEGAL COUNSEL,

For: CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA

MILLIMANI LAW COURTS NAIROBI
Telephone: 020-2716414/5/9
020- 2716504/2/3



HIGH COURT OF KENYA
BOX 30420 -00100
NAIROBI

When replying please quote our RefNo.

JUDICIARY
COMMERCIAL AND ADMIRALTY DIVISION

Our Ref. No.

22nd January 2013

Adam Kingori
Punda Mulia Primary School
P.O. Box 105
KENOL-MAKUYU

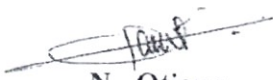
RE: HC. WC. NO. 10 OF 1987

IN THE MATTER OF PEIONEER BUILDING SOCIETY

We have received your letter of 10th December 2012 and have read and understood its contents, we are however constrained to inform you that the last ruling we have in this matter is one of 17th March 2009, and a copy of which we have already given to you and even went further to confirm upon request to Wangai Nyuthe Advocates.

The letter dated 20th August 2012 from the commissioner on Administrative Justice which you have shown to us talks of a ruling from the Appellate Court dated 2nd March 2012, our above matter was lastly in court on 17th March 2009, and indicatively, the ruling referred to here setting aside the earlier court orders from the Court of Appeal, are certainly not from the High Court Matter. The author of the letter could have done good to give copy of the said appellate ruling setting aside the earlier court orders.

In conclusion, we wish to inform you that we are unable to give you what we do not have.


N. Otieno
For: Deputy Registrar

CC

The Chief Registrar of the Judiciary
Supreme Court of Kenya
P.O. Box 30041-00100
NAIROBI

Mrs. Bernice W. Gachegu
Department of Registrar General
State Law Office
Sheria House
NAIROBI

request for confirmation.

printed by Festus Nyaata (festus.nyaata@judiciary.go.ke)[...]

Ticket Print

State:	open	Age:	0 m
Queue:	Ombudsperson Office	Created:	01/31/2013 15:58:08
Lock:	unlock	Accounted time:	0
CustomerID:	P.o BOX 105 KENOL MAKUYU.	Pending till:	-
Owner:	festus.nyaata (Festus Nyaata)		
Type:	Complaint		
Service:	-		
SLA:	-		
Criticality:	-		
Impact:	-		
Priority:	3 normal		

Customer Information

Firstname: Adam
Lastname: Kingori
Username: Adam.Kingori
Email: Adam.Kingori@dummy.com

Articles

1

From: "Adam Kingori" <Adam.Kingori@dummy.com>
To: Ombudsperson Office
Subject: request for confirmation.
Created: 01/31/2013 15:58:08 by customer
Type: phone

The complainant visited our office asking for assistance to get a letter from the high court, indicating that there is no appeal regarding HCC winding cause no 10 of 1987 in Nairobi. I sent him to the deputy registrar who wrote a letter confirming that there is no appeal on that case. I have referred him to the office of the Ombudsman at the prime ministers building for further assistance to have the relevant government organ adhere to the court orders. Issued in the above case.

2

From: Judiciary Service Desk <service@judiciary.go.ke>
To: "Adam Kingori" <Adam.Kingori@dummy.com>
Subject: [Ticket#1012176] RE: request for confirmation.
Created: 01/31/2013 15:58:08 by system
Type: email-external

Dear Adam Kingori,

Thanks for your submission. A new ticket has been created. Your Reference Number is 1012176

=====
You Submitted:

> The complainant visited our office asking for assistance to get a letter from
> the high court, indicating that there is no appeal regarding HCC winding cause
> no 10 of 1987 in Nairobi. I sent him to the deputy registrar who wrote a
> letter confirming that there is no appeal on that case. I have referred him to
> the office of the Ombudsman at the prime ministers building for further
> assistance to have the relevant government organ adhere to the court orders.
> Issued in the above case.

Your submission has been received by a Service Desk representative.

We Are Happy to Serve You!

(Judiciary Service Desk Team)

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO 10 OF 1987

IN THE MATTER OF PIONEER BUILDING SOCIETY IN LIQUIDATION

AND

IN THE MATTER OF AN APPLICATION FOR RELEASE AND DISSOLUTION
NOTICE TO CREDITORS AND CONTRIBUTORIES OF
INTENTION TO APPLY FOR ORDERS FOR RELEASE AND DISSOLUTION

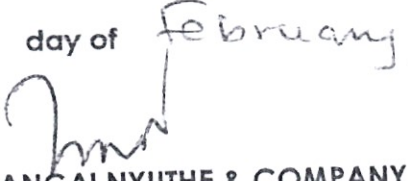


GROUND OF OBJECTION

TAKE NOTICE that the Official Receiver and Provisional Liquidator objects to the applicant's application dated 15th November, 2007 on the following grounds:-

1. That the application is bad in law and incurably defective.
2. That the Orders sought by the applicant are based on a Court ruling that is non-existent.
3. That the Applicant's application is premature as the issues raised can be addressed in the main application for release and dissolution which is yet to be filed.

DATED at Nairobi this 18th day of February, 2008


WANGAI NYUTHE & COMPANY
ADVOCATES FOR THE OFFICIAL RECEIVER & PROVISIONAL LIQUIDATOR

DRAWN & FILED BY:
WANGAI NYUTHE & CO.
ADVOCATES,
SUITE NO. 11,
KUGERIA COURT,
RALPH BUNCHE ROAD,
P. O. BOX 10259 GPO,
00100-NAIROBI. OR/PBS/20/GL/2007

TO BE SERVED UPON:
ADAM KINGORI MWANGI,
P. O. BOX 105,
MAKUYU.

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
WINDING UP CAUSE NO. 10 OF 1987

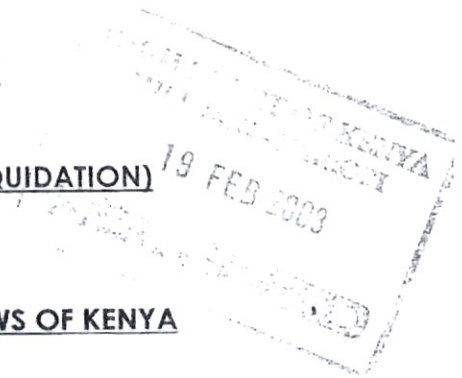
IN THE MATTER OF PIONEER BUILDING SOCIETY (IN LIQUIDATION)

AND

IN THE MATTER OF THE COMPANIES ACT (CAP 486) LAWS OF KENYA

AND

IN THE MATTER OF APPLICATION FOR RELEASE AND DISSOLUTION



NOTICE OF APPOINTMENT OF ADVOCATES

PLEASE TAKE NOTICE that the Official Receiver herein has appointed the firm of **WANGAI NYUTHE & COMPANY ADVOCATES** to act for him in the above matter. His address of service for the purpose of this suit shall henceforth be care of **WANGAI NYUTHE & COMPANY ADVOCATES, KUGERIA COURT SUITE NO. 11 RALPH BUNCHE ROAD, P. O. BOX 10259 00100-NAIROBI.**

DATED at Nairobi this

18th

day of

February

2008

WANGAI NYUTHE & COMPANY
ADVOCATES FOR THE OFFICIAL RECEIVER

DRAWN & FILED BY:
WANGAI NYUTHE & CO.
ADVOCATES,
RALPH BUNCHE ROAD,
HOUSE NO. 11,
P.O. BOX 10259,
00100-NAIROBI. (REF: OR/PBS/20/GL/2007)

**WANGAI NYUTHE & CO.
ADVOCATES**

Commissioners for Oaths & Notaries Public

Wangai Nyuthe
Zachariah Ngome
Anthony Wachira
Ben Musundi

Tel. 2724709
2724751
2724705
2724754
Fax: 2724688
e-mail: wnyuthe@kenyaweb.com

Suite No. 11
Kugerie Court
(Next to Upper Hill Medical Centre)
Ralph Bunche Road
P. O. Box 10259 GPO
00100-NAIROBI

Our Ref: **OR/CF/20/GL/2007/2/WN**

Date: **19TH MAY, 2008**

Your Ref:

**ADAM KINGORI MWANGI,
P. O. BOX 105,
MAKUYU.**

BY REGISTERED POST

Dear Sir,

**RE: NAIROBI – H. C. WINDING UP CAUSE NO. 5 OF 1987
IN THE MATTER OF CAPITAL FINANCE LIMITED (IN LIQUIDATION)**

We refer to the above matter and enclose herewith a Notice of Motion for hearing on 30 June, 2008 for service upon you. The same shall be deemed duly served upon expiry of Seven (7) days from the date hereof.

Yours faithfully,

[Signature]
WANGAI NYUTHE & COMPANY

letter was posted.

Encl
/am

NR
NR

- (1) The letter was posted to me on 29TH May 2008
- (2) The letter arrived Kenya post office on 30TH May 2008.
- (3) The other contents of that letter were received in High Court - on 25TH March 2008.
- (4) Expiry of seven days from the date this letter was written

Hand Deliveries to High Court Building Dropping Zone Box No. 7

11/05/08 11:00 AM

Vision

A world class institution fostering zero tolerance to corruption in Kenya.

Mission

To combat corruption and economic crimes through Law Enforcement, Prevention and Public Education.

Core Values

Integrity

Professionalism

Fidelity to the Law

Courage

Excellence in Service

1. What is the Kenya Anti-Corruption Commission?

The Kenya Anti-Corruption Commission is a public body established under the Anti-Corruption and Economic Crimes Act, 2003 as the main agency with a statutory mandate to fight corruption in Kenya. The Commission has the capacity to sue and be sued in its name and to acquire and dispose of property.

2. When and how was it established?

The Commission was established on 2nd May 2003 when the Anti-Corruption and Economic Crimes Act came into force. It is established under section 6 of the Act.

3. What is the Mission of the Commission?

The Mission of the Commission is to combat corruption and economic crimes through law enforcement, prevention and public education.

4. How is the Commission managed on a day to day basis?

KACC is headed by the Director who is the Chief Executive Officer of the Commission. He is assisted by up to four (4) Assistant Directors, one of whom is the Deputy Director. The Deputy Director assists the Director in discharging his duties in his absence. The Commission has four (4) Directorates each headed by an Assistant Director. These are:

- Investigation and Asset Tracing Directorate;
- Legal Services and Asset Recovery Directorate;
- Research, Education, Policy and Preventive Services (REPPS) Directorate;
- The Finance and Administration Directorate.

The Commission has officers in each Directorate who assist the Assistant Directors in running programmes and activities in their respective Directorates.

5. How are the Director and Assistant Directors appointed?

The Director and the Assistant Directors are recommended by the Kenya Anti-Corruption Advisory Board established under section 16 of the



DEPOSIT PROTECTION FUND BOARD

3RD FLOOR, CBK HQ. BUILDING, HAILE SELASSIE AVENUE, NAIROBI, KENYA
P.O. BOX 45983, TEL: 217400/1/2/3/4, FAX: 211122

16th October 2007

Adam Kingori Mwangi
P.O. Box 105
MAKUYU


Dear Sir,

RE: YOUR DEPOSITS WITH PIONEER BUILDING SOCIETY

We refer to your letter dated 10th July 2007 on the above matter.

We would like to inform you that Pioneer Building Society is not under Liquidation by the Deposit Protection Fund Board (DPFB) and therefore advise that you communicate with the official receiver of the said institution in relation to your deposits.

Your faithfully,


K. CHELOTI
DIRECTOR

c.c - The Director,
Kenya Anti-Corruption Commission



DEPOSIT PROTECTION FUND BOARD

5TH FLOOR, CBK HQ. BUILDING, HAILE SELASSIE AVENUE, NAIROBI, KENYA
P.O. BOX 45983, TEL: 217400/1/2/3/4, FAX: 211122, TELEX 22324

18th October, 2007

Mr. Adam King'ori Mwangi,
Punda Milia Primary School,
P. O. Box 105,
MAKUYU.

Dear Mr. Mwangi,

CLAIM AGAINST PIONEER BUILDING SOCIETY (IN LIQUIDATION)

We refer to your letter of October 16th, 2007. Your previous letter of June 6th, 2007 was never received by us and it is when you came to the Bank on September 28th, 2007 that we were able to respond vide our letter of October 16th, 2007 a copy of which is attached. Once again we clarify that the Deposit Protection Fund Board is not the liquidator of Pioneer Building Society and in this regard we are of the view you should have referred your matter to the Official Receiver. From the Daily Nation newspaper of today we note that the advocates of the Official Receiver and Provisional Liquidator of Pioneer Building Society have published a notice informing members of the public on their intention to apply for orders for release and dissolution. A copy of the said notice is enclosed herewith for your perusal and you will notice that interested parties may inspect the books and records of the society on October 23rd and 24th, 2007 at their offices on 2nd Floor of Ngumba House, Koinange Street, Nairobi. Additionally any issues or objections that you may have ought to be raised with the Official Receiver & Provisional Liquidator within 21 days from the 17th of October 2007.

On the basis of the information now availed to you, we advise that you take up the matter with the official Receiver at the earliest opportunity.

Yours sincerely,

K. CHELOTI
DIRECTOR

31ST Fu

Attachments

Mr. Njorge
Legal
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