



**Skyline Services Limited v Multiple Solutions Limited (Commercial Civil Case E596 of 2021)
[2025] KEHC 18530 (KLR) (Commercial and Tax) (4 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18530 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
COMMERCIAL CIVIL CASE E596 OF 2021**

**BK NJOROGE, J
DECEMBER 4, 2025**

BETWEEN

SKYLINE SERVICES LIMITED PLAINTIFF

AND

MULTIPLE SOLUTIONS LIMITED DEFENDANT

RULING

1. This is a Ruling is in respect of the Plaintiff/Applicant's Application by way of a Notice of Motion dated 2.4.2025.
2. The application seeks the following orders:
 - a) That the Plaintiff herein be granted leave to continue with the legal proceedings against the Defendant.
 - b) That the Honourable Court does grant the plaintiff leave to amend its plaint to reflect that the Defendant has been placed in Liquidation.
 - c) That the costs of this application to abide the outcome of the main suit.

Background facts:

3. The Application is supported by the affidavit of Francis Ngonga. He depones that after this suit was filed, the Defendant entered an appearance and filed a defence. Thereafter a representative of the Official Receiver indicated that the Defendant was under Liquidation through Mombasa Insolvency Petition No. E002 of 2023. The Insolvency proceedings on going.
4. That as per Section 560 (1) (d) of the *Insolvency Act*, further legal proceedings can only take place against the Company in Liquidation, with the approval of the Court.



5. The Court notes that the proceedings are not opposed by the Defendant.

Issues for Determination

6. Having perused the application, the Court frames two issues as follows:

- a) Whether leave should be granted to the Plaintiff for continue with these proceedings against the Defendant Company which is under Liquidation.
- b) Whether leave should be granted to amend the Plaint to reflect that the Defendant has been placed on Liquidation.

Analysis

7. Section 560 (1) (d) of the *Insolvency Act* states as follows:

560. Moratorium on other legal process while administration order has effect

- (1) While a company is under administration—
 - (a) a person may take steps to enforce a security over the company's property only with the consent of the administrator or with the approval of the Court;
 - (b) a person may take steps to repossess goods in the company's possession under a credit purchase transaction only with the consent of the administrator or with the approval of the Court; if the Court gives approval, subject to such conditions as the Court may impose;
 - (c) a landlord may exercise a right of forfeiture by peaceable re-entry in relation to premises let to the company only with the consent of the administrator or with the approval of the Court; and
 - (d) a person may begin or continue legal proceedings (including execution and distress) against the company or the company's property only with the consent of the administrator or with the approval of the Court.
- (2) In giving approval for a transaction under subsection (1), the Court may impose a condition on, or a requirement in connection with, the transaction.

a) Whether leave should be granted to the Plaintiff for continue with these proceedings against the Defendant Company which is under Liquidation.

8. The Court has seen the ruling by Honourable Justice DKN Magare dated 25th July 2023 placing the Defendant Company in Liquidation.

9. It follows therefore that leave or otherwise the consent of the Court is required to proceed further with any proceedings against the Defendant. That is what a reading of Section 560 (1) (d) entails.

10. In absence of any opposition, the Court is persuaded to grant the leave sought.

b) Whether leave should be granted to amend the Plaint to reflect that the Defendant has been placed on Liquidation.

11. There is also merit in amending the pleadings to reflect the fact and lived in reality that the Defendant Company is now in Liquidation.



11. The upshot is that the application is allowed. The costs will be in the manner proposed by the Applicant.

Determination

12. The Plaintiff's application by way of a Notice dated 2.4.2025 is allowed in the following manner;

- a) That the Plaintiff herein be and is hereby granted leave to continue with the legal proceedings against the Defendant.
- b) That the Honourable Court does hereby grant the Plaintiff leave to amend its Plaint to reflect that the Defendant has been placed in Liquidation.
- c) That the costs of this application to abide the outcome of the main suit.

13. It is so ordered.

DATED, SIGNED AND DELIVERED AT MILIMANI THIS 4TH DAY OF DECEMBER, 2025.

NJOROGE BENJAMIN K.

JUDGE

In the presence of;

Mr. Kamwaro Applicant/Plaintiff

N/A Respondent/Defendant

Mr. Peter Wabwire - Court Assistant.

