

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
COMMERCIAL & TAX DIVISION
MISC. APPLICATION NO. E.037 OF 2026

IN THE MATTER OF MUKIRAI PERFUMES - KENYA LIMITED (PVT-7LUX8Z3L)

AND

IN THE MATTER OF SECTIONS 878, 884, 885 AND 888 OF THE COMPANIES ACT, 2015

AND

IN THE MATTER OF AN APPLICATION BY MUKIRAI PERFUMES - KENYA LIMITED ("THE COMPANY")

RULING (EX PARTE)

Introduction

1. The Applicant, Mukirai Perfumes - Kenya Limited, moves the Court **ex parte** by a Notice of Motion expressed under Sections 1A, 1B and 3A of the Civil Procedure Act, Order 51 Rule 1 of the Civil Procedure Rules and Sections 878, 884, 885 and 888 of the Companies Act, 2015, principally seeking an extension of time within which to register a charge created over its property in favour of Sidian Bank Limited.

2. The Motion is supported by the Certificate of Urgency sworn by counsel, and a Supporting Affidavit sworn on 20 January 2026 by **Celine Wanjiru Mwaura**, Advocate, on behalf of the Applicant.
3. It is deposed that on **8 December 2025**, the Applicant executed a Charge Instrument in favour of **Sidian Bank Limited** over **Title Number Mavoko Municipality Block 104/2/332, Unit No. 332 and 19/10,000 shares in the common property**, to secure a financial facility extended to the Applicant.
4. Under **Section 878** of the Companies Act, the charge ought to have been lodged for registration within **thirty (30) days** of its creation. The Applicant avers that it did not complete the registration within time because the Applicant's authorized signatory was **out of the country** and therefore unable to execute the **Particulars of Charge (Form CR25)** within the statutory period. It is stated that Form CR25 has since been executed and the charge presented for registration albeit outside time.
5. The Applicant further states that the loan proceeds remain inaccessible pending registration and that unless time is enlarged, the Company risks offending **Section 885** of the Act and incurring penalties. The Applicant prays for an **extension of sixty (60) days from 8 December 2025** within which to register the charge. Costs are sought to be in the cause.

Analysis and Determination

6. Having considered the application, the supporting affidavit, and the applicable law, I find that the issue for determination in this matter is whether the Court has jurisdiction to enlarge time for registration of a company charge outside the period prescribed in Section 878; and if so, whether the Applicant has shown sufficient cause to warrant the exercise of the Court's discretion.
7. On jurisdiction, the Court is satisfied that **Section 884** confers power to enlarge time for registration where appropriate. The Applicant's Motion has been properly invoked under the Act and the Civil Procedure Act's overriding objective, and is supported by affidavit evidence setting out the chronology of events.
8. On sufficiency of cause, the Applicant has explained that the delay stemmed from the unavailability of the authorized signatory who was **outside the country** at the material time and therefore unable to execute the **Form CR25** within the statutory period. It is averred that this was not deliberate, that **Form CR25** has since been executed, and that the charge has now been presented for registration albeit outside time. I am satisfied, on the material before me, that the delay is adequately accounted for and that the Applicant has moved the Court without undue delay upon becoming aware of the lapse.
9. Further, it is clear from the evidence record that the extension sought does not occasion prejudice that cannot be compensated in costs. Conversely, refusing the enlargement would operate harshly upon the Applicant who would be

unable to access the facility and may face the adverse statutory consequences contemplated under **Section 885**. The balance of convenience, the interests of justice, and the policy of facilitating secured lending where parties have substantially complied with formalities all favour granting the relief.

10. The application seeks an extension of **sixty (60) days from 8th December 2025**. On the facts and to avoid doubt at the Registry, I consider it just to grant the enlargement for a fresh period of sixty (60) days from the date of this Order, within which the Registrar may accept the charge documents for registration as if lodged in time.
11. Accordingly, the Court makes the following *ex parte* orders:
 - i. Time for registration of the charge dated 8 December 2025 is extended by sixty (60) days from the date of this Order.
 - ii. There shall be no orders as to costs.
12. It is so ordered.

SIGNED, DATED, and DELIVERED IN VIRTUAL COURT THIS

21ST JANUARY 2026

A handwritten signature in blue ink, appearing to read 'Moses', with a stylized flourish extending to the right.

**ADO MOSES
JUDGE**

