

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISC. APPLICATION NO. 334 OF 2026

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

AND

**IN THE MATTER OF AN APPLICATION BY LAKEFORD
OILFIELD LIMITED**

LAKEFORD OILFIELD LIMITED.....

APPLICANT

RULING

1. The Applicant, **Lakeford Oilfield Limited**, has approached this Court by way of a **Notice of Motion dated 16th March 2026**, brought under Sections **878, 884, 885 and 888** of the Companies Act, 2015, Sections **1A, 3A, 63(e) and 100** of the Civil Procedure Act, Order **51 Rule 1** of the Civil Procedure Rules, and all other enabling provisions of the law.
2. Through the Motion, the Applicant seeks an order extending time for a further **thirty (30) days** within which to register a legal Charge dated **23rd January 2026** created in favour of

NCBA Bank Kenya PLC over property Title Number **SUBDIVISION NO. 12524 (ORIGINAL 12410/2), SECTION 1 MAINLAND NORTH.**

3. The Application is premised on the grounds set out on its face and is supported by the **Certificate of Urgency** and the **Supporting Affidavit** sworn by **Waliaula Obed Dennis**, Advocate, on the same date.
4. The Applicant explains that the said legal Charge was duly prepared pursuant to instructions issued by NCBA Bank Kenya PLC on **21st November 2025**. However, when the Charge was presented for registration, the registration process was impeded by the unavailability of the relevant deed file at the Lands Registry, a situation that persisted until **24th February 2026**, long after the statutory 30-day registration window had begun to run and subsequently lapsed.
5. It is the Applicant's case that the delay was neither deliberate nor avoidable, but was occasioned solely by circumstances beyond its control. The Applicant asserts that unless this Court intervenes and enlarges the period for registration, it stands to suffer prejudice, as the financial facility of **Kshs. 7,000,000** offered by NCBA Bank Kenya PLC cannot be disbursed until the Charge is duly registered at the Companies Registry.

6. The Motion therefore invites the Court to exercise its statutory discretion under Sections **884-888** of the Companies Act to validate the intended registration out of time and enable the parties to complete the perfection of security.

Analysis and Determination

7. Having considered the application, the supporting affidavit, the annexures thereto, and the applicable law, the Court finds that the sole issue for determination is whether the Court should extend time for registering the legal Charge at the Companies Registry under the Companies Act.

8. Section **878** of the Companies Act requires registration of a charge within **30 days**, but Sections **884-888** empower the Court to **extend time** where there is sufficient cause.

9. The evidence shows that the Charge was prepared timeously, registration was attempted, but the deed file was missing, causing the unavoidable delay. It is evident that the delay was not deliberate, and the Applicant acted promptly once the deed file became available.

10. There is no allegation that any third party will suffer prejudice if time is enlarged. On the contrary, the bank, the

beneficiary of the Charge, supports registration and awaits completion of the process before releasing funds.

11. Courts have consistently held that where rectification merely aligns the register with the true intention of the parties, and no prejudice is shown, the Court ought to grant the orders sought - see for example [In re Bettevest Investment Ltd \[2025\] KEHC 16460 \(KLR\)](#) and [In re ABSA Bank Kenya Plc \[2026\] KEHC 148 \(KLR\)](#), where this Court allowed substantially similar applications.

12. Accordingly, the Court finds the application merited and issues the following orders:

- i. Time is hereby extended for a further thirty (30) days from the date of this ruling, within which the Applicant shall register the **legal Charge dated 23rd January 2026** created in favour of **NCBA Bank Kenya PLC** over property Title Number **SUBDIVISION NO. 12524 (ORIGINAL 12410/2), SECTION 1 MAINLAND NORTH** with the Registrar of Companies.
- ii. Costs of the Application shall be in the cause.

13. It is so ordered.

**DATED, SIGNED, AND DELIVERED AT NAIROBI
THIS 23RD DAY OF MARCH 2026**

A handwritten signature in blue ink, appearing to read 'Moses Ado', is written over a light-colored rectangular background.

HON. JUSTICE MOSES ADO
Judge of the High Court

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