



**Mololine Luxury Shuttle Services Ltd v Registrar of Companies &
another (Judicial Review Miscellaneous Application E129 of 2025)
[2026] KEHC 5412 (KLR) (Judicial Review) (16 April 2026) (Ruling)**

Neutral citation: [2026] KEHC 5412 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E129 OF 2025
JM CHIGITI, J
APRIL 16, 2026**

BETWEEN

MOLOLINE LUXURY SHUTTLE SERVICES LTD APPLICANT

AND

THE REGISTRAR OF COMPANIES RESPONDENT

AND

MOLOLINE PRESTIGE SHUTTLE SERVICES LTD INTERESTED PARTY

RULING

1. The application that comes up for determination is the one dated 16.9.25 wherein the applicant seeks the following orders:
 1. ...Spent.
 2. That this Honourable Court be pleased to grant the Applicant leave to apply for orders of: Certiorari to quash the decision of the Respondent registering Mololine Prestige Shuttle Services Limited; Prohibition restraining the Respondent from registering any other company whose name is deceptively similar to that of the Applicant.
 3. That leave so granted do operate as a stay of the registration or continued operation of Mololine Prestige Shuttle Services Limited pending the hearing and determination of the substantive motion.
2. It is its case that the Applicant was incorporated on 12th June 2020 under the name MOLINE LUXURY SHUTTLE SERVICES LIMITED, and operates in the luxury transportation sector.



3. The Applicant's sister company, MOLINE LUXURY SHUTTLE PARCEL SERVICES LIMITED, was also incorporated on 1st September 2023.
4. In the year 2023, the Respondent proceeded to register a company by the name Mololine Prestige Shuttle Services Limited, which is confusingly similar to the Applicant's name and operates in the same line of business.
5. The Applicant's customers and service providers have raised concerns and confusion over the similarity of the names, and this has led to commercial loss and reputational harm.
6. The Applicant's objection to the Respondent was not acted upon, necessitating judicial review.
7. The applicable law on leave to commence judicial review proceedings is Order 53 Rule 1 of the Civil Procedure Rules, which provides that no Application for judicial review orders should be made unless leave of the court was sought and granted.
8. In the case of Republic v County Council of Kwale & Another Ex Parte Kondo & 57 Others, Mombasa HCMCA No. 384 of 1996 it was held as follows:

“The purpose of Application for leave to apply for judicial review is firstly to eliminate at an early stage any Applications for judicial review which are either frivolous, vexatious or hopeless and secondly to ensure that the Applicant is only allowed to proceed to substantive hearing if the Court is satisfied that there is a case fit for further consideration. The requirement that leave must be obtained before making an Application for judicial review is designed to prevent the time of the court being wasted by busy bodies with misguided or trivial complaints or administrative error, and to remove the uncertainty in which public officers and authorities might be left as to whether they could safely proceed with administrative action while proceedings for judicial review of it were actually pending even though misconceived...Leave may only be granted therefore if on the material available the court is of the view, without going into the matter in depth, that there is an arguable case for granting the relief claimed by the Applicant the test being whether there is a case fit for further investigation at a full inter partes hearing of the substantive Application for judicial review. It is an exercise of the court's discretion but as always it has to be exercised judicially”.

9. It is also trite that in an application for leave, the Court ought not to delve deeply into the arguments of the parties, but should make cursory perusal of the evidence before court and make the decision as to whether an Applicant's case is sufficiently meritorious to justify the grant of the leave order.
10. The Applicant has made out a prima case that justifies the grant of the order for leave to institute judicial Review proceedings.
11. The Applicant has however not made out a case for the grant of the stay order.

Order;

- i. Prayer 2 of The Application is allowed.
- ii. Prayer 3 shall be heard interpartes with the substantive application.
- iii. The Applicant shall file and serve the substantive suit within 14 days which shall be in a separate file which shall be heard alongside prayer 3 of the Chamber Summons.
- iv. The Respondent shall file and serve its response within 14 days of the date of service of the Application.



- v. The Applicant shall thereafter file and serve submissions within 7 days of the date of service.
- vi. The Respondent shall file and serve submissions within 7 days thereafter.
- vii. This file is marked as closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF APRIL, 2026.

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J. CHIGITI (SC)
JUDGE

