Memorandum of Appeal on Matters of Law

Loan Accounting and a Second Review Dismissal — Milimani High Court — Civil Division

Educational reconstruction based on a published Kenyan judicial decision. This is newly drafted sample wording, not the original filed document and not a case handled by our team. Parties and identifying details are replaced with fields for completion. The source judgment may display original public case details.

Purpose and correct procedural stage

Looking for a memorandum of appeal on matters of law for loan accounting and a second review dismissal in Nairobi? This page provides a reconstructed draft for Milimani High Court — Civil Division, with editable Word and PDF downloads. A Kenyan lawyer or advocate can adapt the document to the correct party, evidence and procedural stage.

Use the formal section only after completing the fields from the actual record. The educational notes and later outcome are separate from the draft and should not be filed as allegations that existed at the earlier stage. Keep the actual party’s legal position: Borrower for response; lender for appeal. Confirm the applicable appeal period, the actual order under challenge and current filing directions. Section 38(1) restricts this SCC appeal to matters of law; the judgment discusses the relevant procedural framework.

Reconstructed formal document

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION
CIVIL APPEAL NO [number] OF [year]
[Appellant] — APPELLANT
VERSUS
[Respondent] — RESPONDENT

MEMORANDUM OF APPEAL ON MATTERS OF LAW

1. The Appellant appeals against the ruling/judgment of [adjudicator] delivered on [verified date] in [underlying claim], to the following extent: [identify the appealed order precisely]. This appeal raises matters of law under section 38(1) of the Small Claims Court Act.

2. GROUNDS OF APPEAL

3. The learned adjudicator erred in law in applying res judicata to the separate second review application without establishing that its directly and substantially disputed issue had already been finally determined by a competent court.

4. The learned adjudicator erred in law in treating the disposition of the first review application as necessarily determining the legal basis advanced in the later review application.

5. The learned adjudicator erred in law in barring determination of the second application on its proper merits through the misapplication of section 7 of the Civil Procedure Act.

6. ORDERS SOUGHT
Set aside the order dismissing the second review application and remit that application for determination before a different adjudicator; award the costs of this appeal as the Court determines. No judgment for the original loan balance is sought in place of that rehearing.

7. The Appellant does not ask this Court to conduct a fresh trial of disputed facts. The appeal record will identify the challenged order, the relevant pleadings and proceedings and the documentary passages required for each legal ground.

DATED at [place] this [day] of [month] [year].
[Party or advocate signature]
[Name and capacity]
[Address for service]
TO: [opposing party or advocate, verified service details].

Evidence and adaptation checks

Loan instrument: Identify the agreed advance, rate and repayment mechanism. Record to locate: Signed terms actually relied on and any repayment schedule.

Disbursement: Whether funds were actually advanced. Record to locate: Bank or mobile-money transfer evidence and recipient details retained privately.

Account: Test principal and interest without treating ledger as self-proving. Record to locate: Transaction-level loan ledger, repayment credits and interest calculation.

Review history: Compare the relief and issues actually decided. Record to locate: Original judgment, first and second review applications and corresponding rulings.

Appeal record: Define the order appealed from; do not conflate with original dismissal. Record to locate: Challenged second-review ruling and documents relevant to the legal issue.

Do not invent transfer receipts or assume the original claim has been reinstated with judgment for the lender. Distinguish three orders and the two different parties' procedural positions.

What happened later — educational context only

The High Court set aside the dismissal of the second review application and directed its rehearing before a different adjudicator. It did not award the lender the original loan balance.

The sample was drafted retrospectively from the published reasons. It is not evidence that these exact words, schedules or documents were filed in the source proceedings. Factual assertions must be verified independently before any real filing.

Source judgment and filing review

[2026] KEHC 4901 (KLR) — https://sheriahub.com/cases/ke/caselaw/ontime-lending-company-v-kamau-2026-kehc-4901-klr

Full published judicial text, including final orders, reviewed 8 October 2026. The linked text is a reproduction of the judicial decision. The sample cites that decision as its factual and procedural starting point, not as a guarantee of another case's outcome.

Before use, a qualified Kenyan advocate should check current legislation and rules, court competence, limitation or appeal time, prescribed forms, electronic-record foundations, service and registry directions. Do not copy historic contract terms into a different transaction.