Appellant’s Written Submissions

Mobile Wallet Withdrawals During Incapacity — 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 appellant’s written submissions for mobile wallet withdrawals during incapacity 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: Customer challenging unauthorised withdrawals. 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

APPELLANT'S WRITTEN SUBMISSIONS

1. Filed for: [identify party and procedural capacity]
Decision/application addressed: [identify the actual challenged order or pending issue]
Relevant record: [bundle or appeal-record references].

2. ISSUES AND SUBMISSIONS

3. WRITTEN CONTRACTUAL OBLIGATION

4. The appeal identifies the applicable written terms and the alleged failure to apply them. Section 97 of the Evidence Act was relevant to reliance on written terms rather than an unsupported oral variation. The record passage relied on is [insert accurate bundle or proceedings references].

5. CREDENTIALS ARE NOT THE ENTIRE INQUIRY

6. Use of a SIM and PIN must be considered alongside the proven incident, timing and agreed verification safeguards. The customer does not assert that every disputed wallet transaction is automatically the provider's liability. The record passage relied on is [insert accurate bundle or proceedings references].

7. EVIDENCE WITHIN PROVIDER KNOWLEDGE

8. The customer supplies initial evidence of payment movements and incapacity. Section 112 is relevant to the provider's knowledge of its verification process and agent records; it does not remove the customer's initial burden under section 107. The record passage relied on is [insert accurate bundle or proceedings references].

9. MATTERS OF LAW ON APPEAL

10. The legal grounds concern application of the written contract and evidential rules. Section 38(1) confines the appeal to law, and the draft avoids a general request to retry every witness's credibility. The record passage relied on is [insert accurate bundle or proceedings references].

11. CONTRACT VERSION AND REPORT LIMITS

12. The source considered a particular historic clause and a disputed investigation report. Do not assert that every current mobile-money withdrawal requires the same paper signature or that all unsigned reports are invariably inadmissible. The record passage relied on is [insert accurate bundle or proceedings references].

13. PROCEDURAL POSITION
These are appellate submissions on matters of law; they do not add a new factual claim or serve as fresh evidence.

14. ORDERS REQUESTED
Allow the appeal, set aside the dismissal and substitute judgment for the repayment and additional relief pleaded and proved, with lawful interest and costs; alternatively, remit any issue requiring further lawful determination.

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

Transaction trail: Identify disputed sums, sequence and times. Record to locate: Bank debit, wallet credits and agent withdrawal entries, redacted for public use.

Applicable terms: Verify the relevant clause; do not assume historic terms remain current. Record to locate: Complete customer terms in force for the actual transaction date.

Contemporaneous incident evidence: Customer’s incapacity and absence of personal authorisation. Record to locate: Police record and available direct witness evidence.

Agent authorisation: Test compliance with the relevant agreed procedure. Record to locate: Actual logbook, identification checks or equivalent records held by provider.

Investigation material: Address provenance and weight; do not create an expert report. Record to locate: Original report, author and available underlying data.

No medical report or confession is invented. Protect bank, telephone and transaction identifiers. Confirm the contract version; the source’s historic clause is not a claim about every provider’s current procedure.

What happened later — educational context only

The High Court allowed the customer’s appeal and ordered a refund with additional damages, interest and costs. Its reasoning depended on the particular contract and evidence in that record.

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 11569 (KLR) — https://sheriahub.com/cases/ke/caselaw/wanjiru-v-safaricom-plc-limited-another-2026-kehc-11569-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.