Written Submissions Opposing the Application

Judicial Review After a Tenancy Claim Was Withdrawn — Milimani High Court — Civil Division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Looking for a written submissions opposing the application for judicial review after a tenancy claim was withdrawn in Nairobi?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: Respondent resisting judicial review.

Reconstructed formal document

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION
CASE NO [number] OF [year]
[Applicant] — APPLICANT
VERSUS
[Respondent] — RESPONDENT

WRITTEN SUBMISSIONS OPPOSING THE APPLICATION

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. IDENTIFY A REVIEWABLE ACT

4. Certiorari requires an identified decision for review. The opposition points to the withdrawal and closure record and asks the applicant to identify the operative adverse determination said to require quashing. The record passage relied on is [insert accurate bundle or proceedings references].

5. MANDAMUS IS NOT A FRESH TRIAL

6. A request to compel performance of a public duty must identify that duty and its legal foundation. It cannot simply convert a withdrawn private monetary claim into judicial review relief. The record passage relied on is [insert accurate bundle or proceedings references].

7. PROPER PROCEDURAL ROUTE

8. The source motion was struck out in its own procedural setting. The draft raises the actual deficiencies of that motion; it is not a substitute for reviewing the currently applicable judicial review procedure. The record passage relied on is [insert accurate bundle or proceedings references].

9. LIMITS OF THE RULING

10. The court’s observations about a monetary tenancy claim were not a conclusive jurisdiction ruling for every deposit dispute. The requested order is confined to the defective review proceedings before the court. The record passage relied on is [insert accurate bundle or proceedings references].

11. PROCEDURAL POSITION
The submission addresses the pleaded issue at this procedural stage. It does not amend the pleadings or turn disputed assertions into evidence.

12. ORDERS REQUESTED
Strike out the impugned judicial review motion for the pleaded procedural and jurisdictional deficiencies, with costs as the Court determines.

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

Withdrawal record: Whether the applicant terminated the underlying claim. Record to locate: Withdrawal notice or recorded withdrawal and court proceedings.

Closure entry: Identify precisely what the court did and did not decide. Record to locate: Certified order or proceedings recording file closure and costs position.

Challenged motion: Identify decision, public duty and procedural route asserted. Record to locate: Motion and prayers actually served in the review proceedings.

Reply and objection: Factual foundation for opposition without relitigating tenancy merits. Record to locate: Filed response and documentary exhibits relevant to withdrawal.

Keep pure legal objections separate from disputed affidavit facts. Do not turn this into a recommended claim for certiorari or a blanket statement about tenancy jurisdiction.

What happened later — educational context only

The High Court struck out the review motion. The withdrawn small claim did not supply the extant decision the applicant sought to challenge.

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 8427 (KLR) — https://sheriahub.com/cases/ke/caselaw/kamau-v-ohayomitoko-another-2026-kehc-8427-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.