# Notice of Preliminary Objection

Judicial Review After a Tenancy Claim Was Withdrawn — Milimani High Court — Civil Division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Looking for a notice of preliminary objection for judicial review after a tenancy claim was withdrawn in Nairobi?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

NOTICE OF PRELIMINARY OBJECTION

TAKE NOTICE that the Respondents raise the following preliminary objection to the Applicant’s motion dated [verified date], on the basis of the pleadings and any undisputed court record:

1. The motion does not identify an extant decision capable of the certiorari relief pleaded, the underlying claim having been withdrawn and the file closed as recorded in the undisputed proceedings.

2. The motion seeks mandamus without identifying the enforceable public duty and corresponding failure that would support the order sought.

3. The motion’s procedural foundation does not sustain the judicial review relief requested in the manner pleaded. The Respondents seek its striking out with costs.

This objection is confined to a pure point of law on the admitted or undisputed record. If the withdrawal, closure or content of the alleged decision is disputed, the Respondents rely on the replying affidavit and request determination through the proper evidential procedure rather than resolving contested facts as a preliminary objection.

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.