Replying Affidavit

Judicial Review After a Tenancy Claim Was Withdrawn — Milimani High Court — Civil Division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Looking for a replying affidavit for judicial review after a tenancy claim was withdrawn in Nairobi?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. The draft is unsigned and unsworn. A deponent must verify its contents, separate personal knowledge from sourced information, and properly commission the affidavit and exhibits.

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

REPLYING AFFIDAVIT

1. I, [deponent name], of [address], being [actual capacity], MAKE OATH and state as follows:

2. I am [state involvement and authority] and am competent to depose to the matters within my personal knowledge. The source of any information from another person or from the court file is identified in the relevant paragraph.

3. The applicant's underlying small claim concerned a residential tenancy refund involving deposit, apportioned rent and utility charges. The applicant withdrew that claim and the court file was closed without an award of costs.

4. The applicant later sought judicial review relief through a miscellaneous motion, including orders in the nature of certiorari and mandamus. The respondents dispute that an extant decision capable of being quashed was identified.

5. The respondents rely on the withdrawal and closure record. They distinguish the underlying monetary disagreement from the legal requirements for the relief sought in the later High Court proceedings.

6. The opposition does not invite a final determination that every tenancy deposit dispute lies outside the Small Claims Court. It addresses the particular withdrawn file and the absence of an identified operative decision.

7. The record described as withdrawal record is [identify actual record and source]. If annexed, it is marked [deponent initials]-1 and supports whether the applicant terminated the underlying claim.

8. The record described as closure entry is [identify actual record and source]. If annexed, it is marked [deponent initials]-2 and supports identify precisely what the court did and did not decide.

9. The record described as challenged motion is [identify actual record and source]. If annexed, it is marked [deponent initials]-3 and supports identify decision, public duty and procedural route asserted.

10. The record described as reply and objection is [identify actual record and source]. If annexed, it is marked [deponent initials]-4 and supports factual foundation for opposition without relitigating tenancy merits.

11. I place these facts before the Court for determination of the application. Legal propositions and argument are addressed in the written submissions; I do not present counsel's argument as an event I witnessed.

SWORN at [place] by [deponent]
this [day] of [month] [year]
_____ DEponent signature
BEFORE ME: [Commissioner for Oaths particulars, signature and seal]
[Complete commissioning and exhibit certification properly; this unsigned reconstruction is not a sworn affidavit.]

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.