Respondent’s Appeal Submissions

Returned Wrong Vehicle Components — 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 respondent’s appeal submissions for returned wrong vehicle components 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: Buyer. 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

RESPONDENT'S APPEAL 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. SEPARATE LEGAL BASES

4. The first assurance is confined to its own transaction. For the second component, the buyer relies on conformity and the applicable sale obligations rather than expanding that assurance. Section 16(b) of the Sale of Goods Act and section 5 of the Consumer Protection Act were considered in the judgment. The record passage relied on is [insert accurate bundle or proceedings references].

5. REASONABLE REJECTION PERIOD

6. The chronology of repeated configuration attempts explains the interval before return. The submission must identify the actual sequence rather than assume that using several garages proves timely rejection in every case. The record passage relied on is [insert accurate bundle or proceedings references].

7. LIMITS OF THE APPEAL

8. Section 38(1) of the Small Claims Court Act confines this appeal to matters of law. A request to reweigh the witnesses or resolve credibility afresh must be distinguished from an alleged legal error. The record passage relied on is [insert accurate bundle or proceedings references].

9. CORRECT REASONING, PRESERVED REMEDY

10. A mistaken description of the second purchase as subject to the first warranty does not necessarily require reversal of a refund supported by the applicable sale obligations. The respondent asks for the order to be upheld on the legally sustainable basis. The record passage relied on is [insert accurate bundle or proceedings references].

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

12. ORDERS REQUESTED
Uphold the refund and relevant return order; dismiss the challenge to the extent it presents factual reconsideration outside section 38(1); determine costs according to law.

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

First purchase records: First transaction and scope of the supplier’s promise. Record to locate: Order, payment and the assurance relating to the first component.

Second purchase records: Independent second contract and communicated requirement. Record to locate: Separate quotation, payment and specification correspondence.

Diagnostic and return evidence: Configuration problem, rejection chronology and receipt by supplier. Record to locate: Available mechanic records, messages and return acknowledgements; do not create a missing report.

Credit and oil records: Net relief and avoidance of duplicate recovery. Record to locate: Refund or disposal accounts and records identifying the oil.

Do not invent an expert report, a promise covering both purchases, or an appeal brought by the successful buyer.

What happened later — educational context only

The High Court preserved the refund outcome while correcting the legal basis for the second transaction. The successful buyer was the respondent to the supplier’s appeal.

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 13576 (KLR) — https://sheriahub.com/cases/ke/caselaw/gichuhi-v-mokua-2026-kehc-13576-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.