Charge Consent Caution and Related Court Orders Evidence Schedule for a Family Home

Educational sample 249 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MOMBASA

ENVIRONMENT AND LAND PETITION NO [reference]

[CLAIMANT] v [RESPONDENT]

EVIDENCE OR COMPUTATION SCHEDULE

1. Entry one is the complete land-register chronology: original registration, caution entry, removal, charge entry and subsequent dealing. Give date, entry number in the confidential filing, author or registrar, certified copy and source page. Redact public title and household identifiers.

2. Entry two identifies the charge and attributed spousal consent: document date, execution place, attesting person, original custodian and admitted or denied signature. Preserve the entire document. A cropped signature image is not a substitute for the original execution and attestation evidence.

3. Entry three lists forensic material: report author, instructions, disputed specimen, comparison specimens, provenance, method and whether the author will testify. State the lender objection to the comparison materials. An alleged DCI report is not labelled a final judicial fraud finding.

4. Entry four reconciles the loan: disbursement, repayment, default, borrower sale request, valuation, statutory or auctioneer notice and actual service. Keep the separate earlier borrowing and the main KSh 5.7 million facility distinct. The account balance must be supported by genuine records.

5. Entry five compares the Kadhi property decision, family appeal and earlier eviction application by issues, parties, orders and current status. Record the KSh 700,000 award separately from apartment title and charge validity. No pending appeal is described as an automatic stay.

6. Entry six identifies the present sale or eviction threat, occupation evidence and anonymised information relevant to the children interests. Show each interim order, duration, conditions and service. This index assists the petition but does not establish final beneficial ownership or excuse loan obligations.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A former spouse living with two minor children challenged a charge, alleged forged spousal consent and removal of a caution without notice. The lender relied on a KSh 5.7 million loan, asserted consent and challenged the signature-comparison material. It referred to a KSh 700,000 matrimonial award from the Kadhi Court. Related family appeal and earlier eviction proceedings existed. Ownership was registered to the former husband, not finally awarded to the petitioner in this ruling.

The ELC granted a temporary injunction restraining sale, advertising, offering as security and eviction pending determination of the petition, with application costs to follow that outcome. It found a prima facie issue concerning matrimonial interests and fair administrative action, and risk of irreparable harm affecting the children. It did not finally decide forgery, invalidate the loan or charge, reverse the Kadhi judgment or confer sole ownership.

Keep land-register action, loan enforcement and matrimonial allocation distinct. Identify the actual charge, consent, caution, notice, forensic report and related orders. A disputed expert report does not automatically establish criminal fraud. The ruling contains a submissions-date inconsistency; the actual filings control chronology. Interim protection remains subject to the Court conditions and later orders, not an indefinite right to ignore loan obligations.

[2025] KEELC 1319 (KLR) - 19 March 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/keelc/2025/1319/eng%402025-03-19

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/meli-v-land-registrar-mombasa-land-registry-4-others-2025-keelc-1319-klr.pdf

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.