Shipping Agency Indemnity Small Claims Third Party Notice

Educational sample 273 | 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 SMALL CLAIMS COURT AT MOMBASA

SMALL CLAIMS COMMERCIAL CASE NO [reference]

[IMPORTER CLAIMANT] v [CLEARING AGENT RESPONDENT]; [SHIPPING AGENCY THIRD PARTY]

THIRD PARTY NOTICE

1. TAKE NOTICE that [clearing agent respondent] claims contribution or indemnity from [shipping agency proposed third party] in the pending claim concerning the replacement container. This notice is to use the prescribed process under Small Claims Court rule 16 and the actual directions for service.

2. The Claimant seeks Kshs 297,000 from the Respondent for a paid-for replacement that was not supplied. The Respondent identifies its transaction with the proposed third party in [invoice, instructions and payment records]. The amount and legal basis are separately particularised.

3. The Respondent alleges that the proposed third party received the replacement payment and undertook the replacement obligation. The material failure alleged is non-performance of that obligation. No allegation of criminal wrongdoing is advanced by this notice.

4. If the Respondent is held liable to the Claimant for the replacement amount, it seeks indemnity to the extent supported by that transaction, alternatively contribution in the proportion the Court determines. It also seeks the costs properly attributable to the third-party issue.

5. The proposed third party is to receive the claim, this notice and relevant genuine documents and respond within the period directed by the applicable rules and Court. Actual service date, method and proof are [complete from the genuine service record].

6. The Court is asked to determine the claim and third-party liability consistently. Absence of a response is to be assessed only after proof of lawful service and satisfaction of the applicable requirements; this draft does not certify that service has occurred.

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

Use the Small Claims Court prescribed third-party notice and rule 16 directions. Identify the contribution or indemnity basis, monetary scope and genuine documents. Serve all required material and prove actual service before seeking default consequences. Use Small Claims Court rule 16 and its prescribed third-party form. Do not automatically transplant an Order 1 notice from ordinary civil litigation. The source appeal discussed Orders 1 rules 17 and 19 on the admitted service record.

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 chemical importer engaged a clearing agent. After leakage and return of a container, Kshs 297,000 was paid for its replacement but the replacement was not supplied. The agent joined the shipping agency, which did not defend the third-party notice. The Small Claims Court entered judgment against the agent.

The High Court rejected the argument that the Small Claims Court judgment was automatically invalid after sixty days. It allowed the appeal on the undefended third-party claim, substituted relief against the shipping agency and ordered it to pay the agent and importer their appeal and trial costs.

Read paragraphs 27–29 with the actual decree. A Small Claims Court appeal is confined to questions of law under section 38. Use its own rule 16 third-party process at trial; the judgment also discusses Civil Procedure Order 1 rules 17 and 19. Default requires lawful service and does not authorise an invented service return. Paragraph 10 has an inconsistent judgment year; the heading and operative order identify 28 October 2025. Do not reproduce the erroneous 2026 date.

[2026] KEHC 8528 (KLR) - 15 June 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/turning-point-freight-services-ltd-v-ak-chemicals-ltd-another-2026-kehc-8528-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/turning-point-freight-services-ltd-v-ak-chemicals-ltd-another-2026-kehc-8528-klr

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.