Cross Appeal Timetable Affidavit of Certified Orders and Compliance

Educational sample 280 | 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 HIGH COURT AT MOMBASA

CIVIL APPEAL NO [reference]

[PURCHASER APPELLANT] v [SELLER RESPONDENT]

AFFIDAVIT

1. I am [purchaser or authorised deponent]. I depose to the dates and documents identified below from my personal participation and the certified court records in my possession. I do not purport to decide whether the cross-appeal is legally competent.

2. The related appeal is [verified reference]. Its order made on [date] is exhibited as [mark], with the exact direction concerning the cross-appeal and any security or deposit reproduced through the certified order, not from an advocate recollection.

3. The order was communicated or served by [actual method] on [date], as evidenced by [record]. Any dispute concerning knowledge or service is identified at [paragraph]. This draft does not assert that service occurred without proof.

4. The cross-appeal was filed on [date] and served on [date]. The registry endorsements and service documents are [marks]. Any application for extension, explanation of delay or later direction known to me is [identify and exhibit, or state none known on the verified basis].

5. The payment or security compliance shown by [receipt] concerns [specific requirement]. It is separately recorded from compliance with the filing deadline. Meeting a deposit requirement is not represented as satisfying a different cross-appeal timetable.

6. I place this chronology before the Court for determination through the competent procedure and for any directions it considers appropriate. The facts stated are confined to my knowledge and identified records; legal argument will be addressed separately.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn. Proposed evidence-based procedural correction, not an affidavit proved to have been filed in the source case. Check leave and the proper application; the historical bare preliminary objection failed.

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 purchaser paid a deposit and instalments for a vehicle intended for car hire. Police detention interrupted payment, and the seller obtained release, repossessed and sold the vehicle. The purchaser sought a refund; the seller counterclaimed purchase balance, penalties, losses and legal fees. The trial Court awarded Kshs 350,000 and dismissed the counterclaim.

The High Court dismissed the purchaser costs appeal, the seller cross-appeal and the purchaser preliminary objection. It upheld the reasoned costs discretion and rejected recovery of the additional counterclaim heads after repossession as harsh in the circumstances. Each party bore its own costs.

Sections 33 and 38 of the Small Claims Court Act concern costs discretion and appeals on questions of law. A contested compliance chronology is not automatically a pure preliminary objection. The source inconsistently gives Kshs 698,500 and 698,000 paid and inconsistent related-appeal references; use actual receipts, certified orders and the decree. Kshs 350,000 was the award, not the full refund claimed.

[2025] KEHC 19554 (KLR) - 27 November 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/kabagi-v-farhan-motors-ltd-2025-kehc-19554-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kabagi-v-farhan-motors-ltd-2025-kehc-19554-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.