Submissions on Strict Proof of Building Fire Loss

Educational sample 330 | 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 SUIT NO [reference]

[PLAINTIFF] v [DEFENDANT]

WRITTEN SUBMISSIONS

1. The issues are duty, the proven cause of the fire, contribution by unsafe consumer installations, recoverable own-property loss and standing for neighbouring damage. The technical reports must be assessed with the witnesses and admitted documents rather than treating every expert estimate as an incurred loss.

2. A fire and electrical damage do not alone demonstrate the supplier negligent act. The actual installation boundary, inspection evidence and notice of unsafe conditions are material. Where contribution is proved, apportionment must follow the evidence and the operative judgment.

3. Special damages require precise pleading and strict proof. On the reported appeal, the absence of receipts or documents proving actual repair expenditure defeated the award notwithstanding expert estimates. Unproduced documents said to exist are not evidence before the Court.

4. Neighbouring owners losses require proper standing or authority and proof. The developer receipt of a demand letter did not authorise recovery on behalf of those proprietors. Interest must be pleaded precisely and follow the Court order; the appeal did not alter the trial start date.

5. The Court is requested to assess only established heads and specify the disposition and liability shares. The later appellate outcome, 20% utility liability and KES 20,000 net general damages with special damages rejected, must accompany any explanation of the earlier trial award.

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

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding.

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

Fire damaged a sixteen-storey residential development in Ganjoni on 3 April 2017. The developer alleged electrical faults and delayed isolation of supply, claimed KES 40,679,286 for its property and additional neighbouring losses. The utility disputed causation, supply responsibility and standing.

The 2023 trial award must be read with Kenya Power v Ganjoni [2024] KECA 1803: the Court of Appeal assigned 20% liability to the utility and 80% to the developer, rejected the special damages for lack of strict proof and reduced general damages from KES 100,000 to KES 20,000.

The later appeal is essential. Estimates did not prove actual repair expenditure on this record; unsupported claims for neighbours failed for lack of authority. Unsafe tapping, electrical causation, consumer-side responsibility and mitigation require evidence. The appellate ruling is not a licence to omit proof or claim another owner loss.

[2023] KEHC 21706 (KLR) - 4 August 2023. Source decision: https://sheriahub.com/cases/ke/caselaw/ganjoni-towers-limited-v-kenya-power-lighting-company-limited-civil-suit-35-of-2018-2023-kehc-21706-klr-4-august-2023-judgment

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/ganjoni-towers-limited-v-kenya-power-lighting-company-limited-civil-suit-35-of-2018-2023-kehc-21706-klr-4-august-2023-judgment

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.