Controlled Tenancy Appeal Record and Order Comparison

Educational sample 339 | 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 APPEAL NO [reference]

[LANDLORD APPELLANT] v [TENANT RESPONDENT]

EVIDENCE OR COMPUTATION SCHEDULE

1. The appeal record index identifies the tenancy agreement, Tribunal pleadings, service records, impugned ruling, extracted order and grounds of appeal with actual pages. The tenancy length and termination clause are recorded from the signed document, separately from party submissions.

2. The reported judgment contains differing eviction dates and tenancy descriptions. Enter each source statement and its status, then compare it with the authentic lower-court record. Do not select a convenient date or period and present it as undisputed merely to support jurisdiction.

3. For parallel litigation, record parties, issues, filing dates, current status and final orders. Res judicata concerns a finally decided issue; a pending suit raises a different inquiry. A proved withdrawal of an interim motion must be recorded with its effect and date.

4. For the deceased director, separate the individual death certificate, company registry status, authority of current officers and the actual named litigants. Do not equate a corporate signatory death with automatic death of the company or abatement of the company appeal.

5. For the final disposition compare paragraph 47, contradictory paragraph 49 wording and operative orders 49(a)–(c). Obtain the certified decree or clarification before enforcement. The schedule is an appellate-record aid and does not insert new factual evidence without lawful permission.

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 landlord appealed the Mombasa BPRT reinstatement and occupation orders concerning commercial shops in Diani. The record discussed a short written tenancy, disputed arrears and prior eviction, another Kwale suit and the death of a director. The appeal was heard in Mombasa.

Despite a metadata dismissal label and contradictory sentence in paragraph 49, paragraph 47 and operative order 49(a) partially allow the appeal on the listed tenancy grounds and order 49(c) awards appeal costs to the appellant. The certified decree is needed before acting on the ambiguous substitution wording.

Cap 301 controlled-tenancy termination procedure is distinct from self-help eviction. An ongoing suit is not automatically res judicata; corporate-director death does not automatically establish abatement. The text gives differing tenancy and eviction descriptions. The specimens identify the dispute instead of presenting one inconsistent date as established.

[2025] KEELC 289 (KLR) - 31 January 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/ess-pee-ess-investment-v-deegisat-tv-service-limited-applying-as-legal-administrators-of-the-estate-of-the-late-oloo-agoro-oloo-2025-keelc-289-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/ess-pee-ess-investment-v-deegisat-tv-service-limited-applying-as-legal-administrators-of-the-estate-of-the-late-oloo-agoro-oloo-2025-keelc-289-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.