# Cargo Director Affidavit on Policy Notification and Proclamation

Educational sample 363 | 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]

[CARGO COMPANY APPELLANT] v [INSURER AND DECREE HOLDER]

AFFIDAVIT

1. I am [authorised director] of [cargo company]. My authority and business records are [documents]. The insured vehicle and policy are [bracketed particulars]. I identify the policy terms and premium records without asserting that every risk or judgment is automatically covered.

2. The underlying accident and Makindu decree are [actual certified records]. The reported decree principal was KES 699,634. The judgment, insurer notifications and acknowledgment or response are exhibited at [marks]; their actual dispatch and receipt dates are stated separately.

3. The company instituted the Mombasa indemnity proceedings and sought interim protection. The application, impugned ruling and insurer defence service position are [records]. I disclose whether the defence or other adverse material was actually received before the hearing.

4. The vehicle was proclaimed for sale under [authentic execution documents and date]. Its present business role and the consequence of loss are supported by [records]. I identify all related attachments, payments and orders known to me, including information unfavourable to the motion.

5. The company requests limited preservation while the appeal is determined and is willing to comply with terms the Court lawfully orders. The motion does not erase the existing decree. No current sale date, policy admission, served notice or income record is invented by this specimen.

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.

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 cargo company faced execution of a Makindu accident decree for KES 699,634 plus costs and interest. It sued its insurer in Mombasa for indemnity. After the subordinate court refused interim protection, it appealed and sought an injunction against sale of the proclaimed business vehicle.

The High Court allowed the 28 August 2024 injunction application pending the appeal, with costs in the cause. It did not finally determine insurer liability, cancel the Makindu decree or discharge the insured company judgment obligation.

The motion relied on Order 42 rule 6(6) and the injunction test. The alleged unserved insurer defence, judgment notification, proclamation, business impact and prejudice required actual evidence. An injunction pending appeal and a final statutory insurer judgment are different remedies; the underlying 2012 accident remained a Makindu matter.

[2025] KEHC 230 (KLR) - 23 January 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/alamin-cargo-services-limited-v-trident-insurance-company-limited-another-2025-kehc-230-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/alamin-cargo-services-limited-v-trident-insurance-company-limited-another-2025-kehc-230-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.