Accident Decree Indemnity and Attachment Chronology

Educational sample 364 | 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]

EVIDENCE OR COMPUTATION SCHEDULE

1. Separate the original accident claim and Makindu decree from the Mombasa indemnity suit and appellate interim motion. Record each cause, court, parties, operative order and date from certified material. The appellate place does not relocate the underlying accident decree.

2. The reported Makindu principal was KES 699,634. Identify taxed costs, lawful interest and payments in separate entries. Reconcile the actual execution amount to the decree. No interest figure or auction cost is inserted without its basis and supporting record.

3. For insurance identify the policy period, vehicle, scope, exclusions, premium evidence and notification of accident and judgment. Dispatch, receipt and insurer response are recorded distinctly. Any coverage admission is supported by the actual document rather than assumed from silence.

4. For the Mombasa interim refusal list the application, hearing, insurer defence filing and service, ruling and appeal. Identify the exact procedural complaint. For attachment list warrant, proclamation, service, threatened sale and the affected asset, with genuine dates and current status.

5. Record the source injunction as interim protection pending appeal, costs in the cause. It is not a final indemnity judgment or cancellation of the decree. Any later order or payment must be verified from the current cause before relying on continued protection.

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 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.