Submissions for Interim Cargo Vehicle Protection Pending Appeal

Educational sample 365 | 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]

WRITTEN SUBMISSIONS

1. The Applicant seeks temporary protection of an identified vehicle while the appeal on interim refusal is heard. The scope of relief must remain separate from final indemnity liability and from the existing Makindu decree. The certified policy and proceedings define the arguable dispute.

2. The prima facie appellate issue includes [supported service or procedural complaint] and the actual indemnity record. An allegation that an insurer defence was not served requires the court and service evidence; submissions do not replace that proof.

3. The threatened sale, actual business dependence and harm incapable of adequate monetary redress are [admitted evidence]. A business inconvenience alone is not asserted as necessarily irreparable. The Applicant also addresses the decree-holder legitimate interest in recovery and appropriate safeguards.

4. Order 42 rule 6(6) and the injunction principles must be applied to the actual appellate remedy. The reported High Court allowed the application after examining the policy, threatened attachment and balance of convenience. It did not finally order the insurer to satisfy the accident judgment.

5. The Court is requested to grant the precisely stated restraint, define its duration and conditions and expedite the appeal. Costs should be addressed expressly; the source ordered costs in the cause. All existing orders and subsequent events must be verified before asserting that protection remains effective.

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

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.