Declaratory Plaint for a Pedestrian Tuk Tuk Judgment

Educational sample 321 | 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 CHIEF MAGISTRATES COURT AT MOMBASA

CIVIL SUIT NO [reference]

[PLAINTIFF] v [DEFENDANT]

PLAINT

1. The Plaintiff seeks satisfaction of the decree in [primary injury cause] by [insurer] under section 10 of the Insurance (Motor Vehicles Third Party Risks) Act. The insured vehicle, policy, insured person and period are [verified particulars]. Jurisdiction and addresses for service are [particulars].

2. On 2 July 2019 the Plaintiff suffered injuries when the insured tuk-tuk struck the Plaintiff at Aldina, Mikindani. Liability and quantum were determined in the primary cause. Certified judgment and decree are [bundle pages]; this action does not seek a second injury award.

3. The primary award comprised KES 100,000 general damages and KES 2,000 special damages. The sum now sought is KES 171,150, subject to the attached decree, taxed costs, interest calculation and credits. Each addition beyond KES 102,000 is individually reconciled.

4. Notice of the primary proceedings was given to the Defendant by [proved method and dates]. The notice, addressee, postal receipt and timing against institution of the primary suit are [pages]. Policy coverage and notification are pleaded as material facts, with documents identified.

5. The Plaintiff prays for a declaration of the Defendant statutory liability, payment of the proved outstanding decree, properly specified interest and costs. Existing proceedings, payments, limitation and any statutory coverage defence are [complete particulars]. No relief exceeding the authentic decree is claimed.

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

Complete parties, addresses for service, material jurisdiction and limitation facts, precise negligence or other particulars, related proceedings and prayers. Check Orders 3 and 4 for the required verifying affidavit, witness statements, list and copies of documents; complete summons, fee and lawful service. Special damages require particular pleading and proof. This specimen is substantive wording, not the entire filing pack. The source appeal followed declaratory cause E1663/2021. Complete actual policy and notice particulars; do not rely on a judgment to excuse avoidable omissions.

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 pedestrian injured by a tuk-tuk at Aldina, Mikindani on 2 July 2019 obtained a default liability judgment and an award of KES 100,000 plus KES 2,000 special damages. A separate declaratory action against the insurer failed below on policy particulars and notification. The claimant appealed.

The appeal succeeded with an operative award of KES 171,150 and 14% interest from 4 June 2021. Paragraph 29 favours the appellant on costs but order 30(b) names the respondent. The authentic decree or clarification must resolve that contradiction; neither wording is silently corrected here.

Section 10 of the Insurance (Motor Vehicles Third Party Risks) Act governs the statutory action and notice. The court accepted the documentary identification and postal notification on this record. The source refers to primary judgment on 1 June 2021 but orders interest from 4 June; exact decree dates, accumulated costs and the policy must be verified. The rate is case-specific.

[2025] KEHC 19447 (KLR) - 27 November 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/kasiwa-v-kenya-orient-insurance-company-limited-2025-kehc-19447-klr.pdf

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kasiwa-v-kenya-orient-insurance-company-limited-2025-kehc-19447-klr.pdf

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.