Section 10 Notice of Tuk Tuk Injury Proceedings

Educational sample 322 | 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

NOTICE OF PRIMARY INJURY PROCEEDINGS [reference]

[PLAINTIFF] v [DEFENDANT]

STATUTORY NOTICE

1. TO: [insurer and verified service address]. This notice concerns the intended or instituted proceedings [court and actual reference] by [injured claimant] against [insured person] concerning [vehicle and policy]. It is given for the purposes of section 10(2)(a) of the Insurance (Motor Vehicles Third Party Risks) Act.

2. The incident occurred on 2 July 2019 at Aldina, Mikindani and involved a pedestrian and a tuk-tuk. The claimant alleges negligent driving and resulting injuries. Liability remains for determination in the primary injury proceedings; notification is not a concession by the insurer.

3. The actual date of institution is [date], or the proposed institution date is [date if not yet filed]. The primary pleadings and vehicle identification are [genuine enclosures]. Where the suit is already instituted, provide the actual stamped claim and summons particulars.

4. Please acknowledge receipt and indicate the responsible claims contact. The claimant retains proof of dispatch and delivery: [method, actual date, tracking and recipient]. No acknowledgment, policy admission or timely statutory service is asserted without authentic supporting material.

5. This is notification of the primary proceedings, not an original reported notice, declaratory judgment or proof of a policy. The dispatch must fall within the applicable statutory timing. Later demand correspondence cannot simply be relabelled as timely notification of the original suit.

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 the insurer, insured, vehicle, primary proceeding, actual commencement and service dates. Keep genuine dispatch and receipt evidence. This is reconstructed notification wording, not an originating pleading or proof of statutory compliance. This is a notice served on the insurer, not an originating court pleading. Section 10(2)(a) addresses notice before or within thirty days after commencement. Complete actual dates and prove service.

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.