Submissions on Postal Notice to a Motor Insurer

Educational sample 325 | 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]

[APPELLANT] v [RESPONDENT]

WRITTEN SUBMISSIONS

1. The issues are whether the insurer and relevant policy were sufficiently identified, whether the insurer received statutory notification of the primary proceedings within the required window, and whether the proved decree remains unpaid. These issues arise from the pleaded declaratory claim and admitted record.

2. Order 2 rule 3 requires material facts rather than pleading every item of evidence. The policy identity argument must nevertheless be tied to the actual pleadings, vehicle identification and documents. The source decision does not authorise a claimant to omit known particulars deliberately.

3. On notice, compare the actual dispatch evidence with the stamped institution date. The reported court accepted corroborated postal notification on its facts. A drafted notice or undated demand cannot establish service, statutory timing or receipt without the corresponding evidence.

4. The monetary prayer must reconcile the primary KES 102,000 award with the later KES 171,150 figure and all payments. Interest must follow the applicable decree. The source 14% rate and 4 June 2021 start are particular orders, not a universal statutory tariff.

5. The Court is requested to allow the appeal on the proved record and specify the decree, interest and costs precisely. In the source, costs reasons and order 30(b) conflict; certified-record confirmation or appropriate clarification is required before enforcement of that disputed costs wording.

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 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.