Decree Holder Replying Affidavit to an Alleged Settlement of Execution

Educational sample 382 | 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 SUIT NO [reference]

[DECREE HOLDER] v [JUDGMENT DEBTORS]

AFFIDAVIT

1. I am [decree holder] and respond to the debtors motion dated [date]. I identify the judgment delivered in December 2019, the decree issued in September 2023 and the earlier setting-aside ruling by certified copies at [genuine exhibits]. I state only facts supported by my knowledge or identified records.

2. The costs certificate records KES 1,861,830 in the source scenario. It is a costs figure, distinct from any principal decree, ordered interest and payments. The complete outstanding balance must be reconciled from the actual decree and account.

3. The debtors rely on a mediation agreement and a judgment in a separate cause. I identify the genuine separate-case documents produced and the relevant operative terms. I do not treat an assertion that another judgment exists as proof that it discharged the decree in this case.

4. The material placed before this Court does not identify an agreement registered and adopted as an order in this case. If a purported adoption order is later produced, its authenticity, case reference, parties and operative effect must be checked rather than ignored.

5. The notices and execution history are recorded at [dates and pages]. I disclose any actual payment, lawful stay, satisfaction or adjustment known to me. I do not assert that imprisonment or any particular execution method is automatic merely because a monetary decree remains unpaid.

6. I oppose the requested substantive reversal on the evidenced record and ask that the actual motion be determined under the proper procedure. Legal argument is reserved for submissions. The source Court rejected the alleged compromise; this affidavit is newly drafted, unsworn wording and supplies no original exhibits.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

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

After a 2019 judgment and a dismissed setting-aside application, the creditor extracted a decree and obtained taxed costs of KES 1,861,830. Debtors resisted execution by invoking a mediation agreement and a judgment in a separate suit. They sought stays and a declaration that the existing suit and consequential orders were compromised.

The High Court dismissed the January 2025 motion with costs. No mediation agreement had been proved registered and adopted as an order in this case. The requested substantive reversal also fell outside the limited correction and clarification exceptions to functus officio.

Use the Civil Procedure Act and the applicable execution, compromise, review or appeal process according to the exact relief. A separate-case judgment is not automatically an adopted settlement or recorded satisfaction of this decree. The source gives inconsistent company labels in the narrative; inspect original files rather than reproduce those labels as facts. Do not equate KES 1,861,830 taxed costs with the whole decree.

[2025] KEHC 7321 (KLR) - 23 May 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/muhsin-v-ibrahim-3-others-2025-kehc-7321-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/muhsin-v-ibrahim-3-others-2025-kehc-7321-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.