Affidavit of Service of an Extension of Time Motion and Submissions

Educational sample 095 | Supreme Court of Kenya at Nairobi

Educational reconstruction based on a reported Kenyan decision. This is newly drafted text, not an original court filing, not a matter handled by our team, and not proof that a sample argument succeeded. Parties, parcels and identifying case details in the specimen are replaced with bracketed fields. Do not sign, swear or file it without checking your facts, jurisdiction, applicable rules and court directions.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SUPREME COURT OF KENYA AT NAIROBI

CASE OR APPLICATION NO [insert appropriate reference]

[APPLICANT OR CLAIMANT] v [RESPONDENT OR DEFENDANT]

AFFIDAVIT OF SERVICE

1. I, [process server or authorised serving person], of [address], make oath and state that I effected the service described below. My role and authority to effect this mode of service are [details]. This public specimen contains no personal service address.

2. The documents served were [identify extension motion, supporting affidavit, annexures and submissions separately], bearing [actual dates and references]. I checked that the copy delivered corresponded to the documents filed or directed to be served.

3. I served [person and capacity] at [place or authorised electronic address] on [date] at [time], by [permitted mode]. I identify how the recipient was known or identified to me and why service on that person was proper.

4. For physical delivery, the circumstances of delivery and acknowledgement were [actual account]. A signature, refusal or other response is described only if it occurred; none is presumed merely because service was attempted.

5. For permitted electronic service, the applicable direction or practice provision is [reference]. The transmission and delivery material actually obtained is [description]. Sending a message, a delivery acknowledgement and proof of receipt are distinguished.

6. Any later service of written submissions was effected on [date, time, person, mode and place]. Its evidence is identified separately. A single earlier service entry is not used to imply that later documents were also delivered.

7. The supporting delivery or acknowledgement records are annexed as [labels], with necessary confidential details retained in the actual court copy and removed from the public example. I do not depose that the Respondent filed no response unless that is verified from the relevant court record.

8. The foregoing is my account of service from personal knowledge and identified records. I make this affidavit to establish the actual service events; the Court determines the consequence of any absence of opposition.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [Commissioner for Oaths]. The jurat must be completed by the authorised officer; this sample has not been sworn.

Use and evidence notes

Rule 16 requires details of the person served, place, date, time and mode. The source case recorded service affidavits and nevertheless dismissed the unopposed motion. This reconstruction does not assert that its invented blank service events occurred, nor reproduce the original process server's affidavit.

Source and procedural limits

Two parties in a succession dispute sought more time to appeal a Kisumu Court of Appeal judgment of 6 November 2015. They blamed former counsel. A March 2016 proceedings-request letter showed knowledge of the judgment; the motion was not filed until January 2017.

The motion was dismissed without costs although unopposed. The receipt relied on concerned the earlier Court of Appeal case, and the later period of delay was not adequately explained. Alleging counsel's mistake was insufficient without a supported chronology.

Current Supreme Court Rules 2020 rule 15(2) governs extension of rule-based time. The 2018 ruling applied the historical rule 53. Extension does not itself establish jurisdiction under Constitution Article 163(4) or extend a constitutional deadline.

Supreme Court Civil Application 1 of 2017 — 8 November 2018. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/Hellen-Cheruto-Another-Vs-Sisilia-Mwikali-Kirwa-SC-Application-1-of-2017-Ruling-8th-November-2018.pdf

The linked original judgment may identify parties. This public specimen omits their names. Historical allegations are not presented as established facts. A different result in your own proceedings is possible.