Applicant Submissions on a Late Supreme Court Appeal

Educational sample 093 | 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]

WRITTEN SUBMISSIONS

1. The application seeks extension of the rule-based steps identified in the motion under rule 15(2). The Applicants recognise that extension is discretionary and that they bear the burden of explaining the delay with facts in the supporting affidavit.

2. The first period is from judgment to the claimed instructions to counsel. The affidavit and supporting communication at [references] establish the explanation advanced. A payment for a different proceeding is not treated as conclusive proof of those instructions.

3. The next period concerns counsel’s alleged representations and the Applicants’ checks on filing. The submission identifies the supported date of knowledge and distinguishes awareness of the judgment from discovery that an appeal was absent.

4. The period following the proceedings-request letter is addressed separately at [references]. Earlier reliance on counsel does not explain every later month. Where the evidence leaves an interval unexplained, the Applicants acknowledge the deficiency rather than seek to fill it through counsel’s submissions.

5. Diligence after discovery is shown by [admitted records]. The Applicants explain why the proposed completion period is sufficient and identify the notice, petition and record steps still required.

6. The Respondent’s absence of a reply does not reverse the burden or confer a right to extension. The Court may dismiss an unopposed motion if the chronology and supporting proof do not justify discretionary relief.

7. The intended appeal’s jurisdiction is addressed under [Article 163 route and supporting decision]. An arguable grievance in a succession dispute is not itself proof of Supreme Court jurisdiction, and enlargement of time cannot supply missing certification.

8. The Applicants seek only the defined extension and appropriate costs directions. If the Court declines relief, the proposed appeal is not represented as admitted or pending. No constitutional time limit is sought to be enlarged.

DATED at [place] on [date]. [Signature of party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected party and address].

Use and evidence notes

Do not turn submissions into a substitute affidavit or claim that counsel’s mistake is always excused. The source motion failed despite being unopposed. Check the current computation provisions, actual service dates and any case-specific directions before filing.

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.