Record Schedule for Acknowledged Children in a Succession Appeal

Educational sample 089 | 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]

EVIDENCE SCHEDULE

1. This schedule accompanies [identified appeal filing] and maps evidence already in the lower-court record. It does not add new proof of parentage. Every entry contains the confidential party identifier, record volume, page and finding relied on.

2. Category A — children whose status was recognised in the appellate judgment: [redacted identifiers and pages]. Record the precise status affirmed, the evidence of acknowledgement or provision, and the limits of the finding.

3. Category B — any person excluded by a finding which was not appealed: [redacted identifier and pages]. Do not include that person among the successful beneficiaries merely because the judgment discusses a broader constitutional principle.

4. Category C — evidence of acknowledgement and parental care: [testimony, admitted documents and pages]. Identify who gave the evidence and whether it was contested; a summary allegation is not a replacement for the actual exhibit.

5. Category D — genetic testing history: [orders, applications and pages]. Distinguish a request, an order, performance of a test and an admitted result. If no result exists, state that fact and do not supply a presumed biological conclusion.

6. Category E — claimant mothers' marriage-capacity findings: [pages]. Keep these findings separate from each child's status. A mother's unsuccessful widow claim is not described as proof that her child necessarily lacked protection.

7. Category F — administration and remittal: [orders and pages]. Identify the persons directed to administer jointly and the court instructed to determine entitlements. No numerical inheritance division is included unless actually adjudicated.

8. The issue map is: constitutional birth-status objection [A and C]; individual relationship proof [A–D]; separate marital-capacity issue [E]; distribution still to be determined [F]. Missing documents are identified for the proper record or additional-evidence procedure.

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

Use rules 40 and 26 according to whether a document was omitted from the existing record or is genuinely new evidence. This is an appellate index and not a substitute for a succession petition, affidavit of dependency or distribution order. Public copies must avoid identifying minors.

Populate only categories supported by the actual record; remove an unused category rather than imply that a test or document existed.

Source and procedural limits

A succession dispute originating in Mombasa concerned claimed widows and children of a Muslim deceased. The appeal questioned whether children could be excluded because of their parents' marital status and how Muslim succession law interacts with constitutional rights.

The Supreme Court dismissed the exclusion appeal and affirmed the identified children's beneficiary or dependant status. Joint administration by two widows was ordered and the matter remitted to the High Court at Mombasa to determine entitlements. It did not set individual inheritance fractions.

Constitution Articles 20(3), 24(4), 27, 53 and 163(4)(a); Law of Succession Act section 2(3); Supreme Court Rules 2020 rules 38–42. Underlying succession proceedings remain Mombasa proceedings; this specimen concerns appellate filing at the Nairobi Supreme Court.

Supreme Court Petition E035 of 2023 — 30 June 2025. Source: https://supremecourt.judiciary.go.ke/wp-content/uploads/2026/07/F-A-A-F-Vs-R-F-M-2-others-SC-Petition-No.-E035-of-2023-Judgment-30th-June-2025.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.