Memorandum of Appeal Against Factory Fire Liability and Loss Valuation

Educational sample 181 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE COURT OF APPEAL AT NAIROBI

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

MEMORANDUM OF APPEAL

1. The Appellant [insurer] appeals from the identified judgment of the High Court at Nairobi [judge, date and case]. Parties and service contacts are [complete]. The appeal is confined to the existing record and the grounds below.

2. The trial court is alleged to have erred in rejecting the insurer’s pleaded case concerning involvement of the insured or its agent in the fire. The exact findings and record references challenged are [pages]. This historical liability ground failed on appeal.

3. The trial court is alleged to have erred in adopting the full claimed loss without correctly applying indemnity, item limits and the value at the insured event. In particular the challenge concerns machinery depreciation and undamaged stock [record references].

4. The trial court is alleged to have duplicated electrical restoration by allowing a separate electrical claim where electrical installation, audit and restoration were already included in the building bill. Other disputed heads and their actual proof are [identify individually].

5. The Appellant historically sought reversal of liability or reduction of quantum, with appropriate costs. The reported result retained liability and reduced the award to KSh 58,608,224. Complete notice, record, filing and service requirements under the current Court of Appeal Rules before use.

DATED at [place] on [date]. Signed [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

This is a Court of Appeal memorandum, not a Supreme Court petition. Identify the actual judgment, parties, concise grounds and requested disposition. Check the Court of Appeal Rules 2022 as currently applicable for notice, record, service, time, fees and any extension. The sample supplies none of those documents. New evidence and different affirmative relief require their applicable procedures.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A factory fire damaged the insured building, machinery, stock and fittings during a policy effective in November 2015–November 2016. The insurer declined the claim alleging involvement by the insured's director. A later ownership non-disclosure argument was not in the repudiation letter. The High Court awarded KSh 82,333,324.78. The appeal challenged both liability and loss valuation, including duplicate electrical work and machinery depreciation.

The appeal failed on liability but partly succeeded on quantum. The Court reduced special damages to KSh 58,608,224, with court-rate interest from suit filing; each party bore its appeal costs. Building damage remained KSh 35,130,575; machinery KSh 13,702,341; finished products KSh 9 million; raw materials KSh 675,308; fittings KSh 100,000. The separate electrical item was excluded as duplicate. An inconsistent raw-material figure appears in reasoning, so the final order and itemized total must control the reconstruction.

The Court of Appeal re-evaluates the admitted trial record under its 2022 Rules. Fire origin and involvement of the insured are different propositions. Indemnity concerns the proved value lost within item limits, not automatic payment of the full sum insured. Depreciation, undamaged stock and duplicate costs require separate treatment. A new appeal requires the applicable notice, record, service, fees and deadlines; this specimen is not a complete appellate filing pack.

[2025] KECA 1602 (KLR) — 3 October 2025. Original judgment: https://sheriahub.com/cases/ke/caselaw/apa-insurance-limited-v-britind-industries-limited-2025-keca-1602-klr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.