Insurer Appeal Submissions Alleging Arson by the Insured Director

Educational sample 182 | 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]

WRITTEN SUBMISSIONS

1. The insurer’s historical appeal challenged the finding that it had not proved participation by the insured in the fire. It relied on the forensic origin evidence, investigators and the disputed accounts of the director’s movements. The relevant testimony is [record pages].

2. Evidence of accelerants and multiple ignition points may show arson, but it does not by itself identify the insured or its agent as the perpetrator. The insurer must connect the particular policy exclusion to that involvement on the applicable civil burden.

3. The insurer referred to disputed or retracted witness accounts and an investigation report. The Court must examine those accounts against the director’s explanation and the witnesses who supported it. No retracted statement may be described as an unchallenged admission.

4. A later ownership non-disclosure argument must be addressed in the context of the pleaded case, proposal and repudiation letter. The Court treated the attempted ownership justification as an afterthought. This rejected ground is not presented as an established right to avoid the policy.

5. The Appellant’s historical liability prayer was dismissed. These submissions illustrate that losing contention and the evidentiary distinction between cause of fire and insured involvement. Any new appeal must identify an actual appealable error on its own record.

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

Identify the issue, pleaded position, admitted evidence and bundle pages. Submissions do not introduce new facts or exhibits. Follow current directions on filing, length, authorities and service. Distinguish a requested amount from the actual award, a losing historical argument from the holding and a liability finding from proof of every damages head.

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.