School Improvements Appeal Grounds on Valuation and Lease Variation

Educational sample 404 | Malindi

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MALINDI

ENVIRONMENT AND LAND APPEAL NO [reference]

[LANDLORD AND OTHER APPELLANT] v [SCHOOL OPERATOR RESPONDENT]

MEMORANDUM OF APPEAL

1. The appellants appeal the judgment and decree in [Mariakani land case] delivered on [date]. The challenged orders concern school premises occupation and improvement compensation. The exact defendants and capacities are taken from the certified trial file, not inconsistent labels in a published reproduction.

2. GROUND 1: the trial court allegedly erred in treating the parties conduct as variation of the temporary-structure term without adequately resolving the proved conduct and the complete sequence of leases. The ground challenges the actual finding; it does not deny that variation by conduct is legally possible.

3. GROUND 2: the trial court allegedly failed to give adequate reasons for accepting the tenant valuation rather than the competing landlord valuation, having regard to the expert evidence, structures and site visit recorded at [pages]. The existence of a lower rival figure alone is not an error.

4. GROUND 3: the compensation awarded allegedly exceeded the relief properly pleaded and proved. The ground identifies the pleaded alternative valuation prayer and the subsequent valuation directions, rather than concealing them or treating all expert evidence as binding.

5. GROUND 4: the finding of termination without notice allegedly misapprehended the admitted notice, payment and exclusion records at [pages]. Any challenge to designated magistrate jurisdiction identifies the dominant cause and property value, not merely the use of the word tenancy.

6. RELIEF SOUGHT: allow the sustainable grounds; set aside or vary the identified decree or remit a properly defined issue; and determine costs. These are reconstructed historical appellant issues: Malindi ELC dismissed the source appeal with costs, accepting the trial assessment on its particular 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 person and address].

Use and evidence notes

Identify the exact lower-court judgment or ruling, operative decree, parties, concise grounds and requested disposition. Use the procedure for this particular appellate court: an ELRC appeal and a High Court or ELC first appeal are not Court of Appeal proceedings. Check limitation, any necessary leave or extension, record, fees, service and directions. Filing an appeal is not an automatic stay. Unsuccessful source appellant position. The sample identifies grounds; it is not a prediction of reversal.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A school tenant sought restoration or compensation for buildings after a coastal premises lockout. Written leases initially contemplated temporary structures. The tenant relied on a later agreement and the landlord conduct during permanent construction. Landlord and auctioneer disputed permission, rent and alleged subletting. The Mariakani trial included a site visit and competing valuations of KES 3.5 million and KES 1.2 million.

Malindi ELC dismissed the appeal with costs. It accepted tacit contractual variation by conduct, the trial valuation assessment and wrongful termination without notice. The written leases alone did not expressly authorise permanent construction. The judgment did not establish development permission or award every pleaded loss.

Use the genuine leases, conduct, notices and expert evidence together. This fact-specific decision is not general permission to build, avoid rent, omit quantified special damages or evict without due process. Trial specimens belong to Mariakani; the appellate specimens belong to Malindi ELC. The source caption and text name different appellant combinations; complete parties from the actual file.

[2026] KEELC 2338 (KLR) - 23 April 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/gladys-ta-trophy-auctioneers-v-abonyo-ta-ruruma-rising-star-academy-2026-keelc-2338-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/gladys-ta-trophy-auctioneers-v-abonyo-ta-ruruma-rising-star-academy-2026-keelc-2338-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.