Tenant Appeal Submissions on Tacit Permission and Competing Valuations

Educational sample 405 | 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]

WRITTEN SUBMISSIONS

1. The respondent seeks dismissal of the appeal. The leases and the landlord conduct must be assessed together. The respondent accepts that the later written document did not expressly authorise permanent structures; the relied-upon variation is established through the actual course of dealings.

2. At [record pages] the evidence shows construction under the landlord observation without the objection now asserted. The proposed conclusion is confined to those dealings. It does not authorise construction contrary to development law or convert every landlord silence into consent.

3. The trial relief included an alternative prayer for compensation after professional valuation. Both parties supplied reports under the court directions. The magistrate considered the rival KES 3.5 million and KES 1.2 million valuations together with the recorded site visit and explained the accepted figure.

4. The court was entitled to assess expert opinions against all the evidence. The respondent relies on the particular structures and reasons recorded, not a proposition that every valuer conclusion must be accepted. The precise compensation order is taken from the certified decree.

5. Returned rent payments and the physical exclusion evidence bear on the termination finding. Alleged subletting and persistent default require their own proof. A rent dispute does not establish a right to resolve the tenancy by force or defeat every tenant remedy.

6. The respondent requests dismissal of the appeal and appropriate costs, preserving only the relief actually supported by the trial pleading and decree. These submissions rely on admitted trial material at [pages]; they introduce no new valuation or school-loss evidence on appeal.

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 pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding.

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.