Hire Purchase Buyer Replying Affidavit on Loss of Vehicle and Continuing Instalments

Educational sample 483 | Kakamega

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 HIGH COURT AT KAKAMEGA

CIVIL APPEAL NO [reference]

[APPELLANT] v [RESPONDENT]

AFFIDAVIT

1. I am [hire-purchase buyer]. My agreement with [financier] concerning [vehicle] is dated [verified date]. I identify the actual agreement, delivery, payment and registration records; the source report inconsistent dates are not sworn as an established sequence.

2. The financing terms reserve or regulate ownership as [exact provisions]. I identify the deposit, instalments paid and outstanding balance from genuine statements. Beneficial possession and registered legal ownership are distinguished.

3. The vehicle was attached and sold in [identified proceedings]. My relationship, if any, to the judgment debtor is [truthfully stated]. I identify the objection and restoration proceedings and certified decree on which I rely.

4. Since losing possession I have [actual continuing instalments, loss of use or expenses], with evidence at [pages]. These are facts relevant to prejudice; they do not add a new unpleaded damages award to this stay response.

5. The Appellant remittance and restoration assertions are answered using [admissible records]. I disclose any returned vehicle, payment, settlement or later order so that the Court assesses the current position.

6. I oppose an unsecured or indefinite stay and request appropriate security, default consequences and prompt appeal directions if protection is granted. This affidavit does not assert that the interim source ruling finally determined ownership or validity of the auction.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

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

An auctioneer sold a Toyota Hiace for KES 900,000 in execution of accident decrees and said proceeds were remitted. A purchaser and financier challenged attachment, relying on hire-purchase interests and registered ownership. A restoration or monetary decree led to this stay application in a Kakamega High Court appeal from Small Claims Court proceedings.

The Court granted conditional stay requiring half the decretal sum in a joint interest-earning account within 14 days; on default the stay would lapse. Costs awaited the appeal. The ruling weighed the purchaser lack of the vehicle and continued instalments against the auctioneer asserted repayment exposure.

This was an interim ruling, not a final determination that attachment was lawful or ownership proved. The report has inconsistent purchase, auction and motion dates and party numbering. Verify the certified chronology, ownership records and operative decree before asserting sequence or calculating security.

[2026] KEHC 7225 (KLR) - 26 May 2026. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2026/7225/eng@2026-05-26

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/sikulu-ta-handshake-big-auctioneers-v-sumba-4-others-2026-kehc-7225-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.