Submissions on Burial Irreversibility Security and Appeal Preservation

Educational sample 480 | 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]

WRITTEN SUBMISSIONS

1. The motion concerns preservation pending appeal, not final marital status or entitlement to bury. The Court should evaluate the certified judgment, current mortuary evidence and the actual application chronology.

2. The Appellants identify substantial loss in the irreversible alteration of the subject matter if burial proceeds before appellate determination. A general disagreement with the trial findings alone is not the basis advanced.

3. Promptness is assessed from actual judgment, knowledge and filing dates. Any earlier stay and expiry are disclosed. The source four-day interval illustrates the factual inquiry and cannot excuse delay in another case.

4. Security must protect due performance and practical charges. The proposed joint account and invoice process are [record references]. The source amount is not an automatic requirement for every burial appeal.

5. The requested injunction must identify the body, mortuary, prohibited dealings, duration and affected persons, while facilitating timely appellate determination. Preservation cannot become an indefinite substitute for hearing the merits.

6. The Appellants seek stay, proportionate restraint and workable security and charge directions, with costs to abide the appeal. The historical ruling does not prove present detention, continued validity of its terms or the ultimate outcome.

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

Following a Butali magistrate burial judgment between competing family positions, the appellants promptly sought a stay and restraint of removal or burial pending appeal. The application followed four days after judgment. Burial would make restoration of the subject matter impossible.

The Court granted stay and an injunction preserving the body in the mortuary, subject to the ordered KES 100,000 joint interest-earning security account for charges and due performance. Application costs awaited the appeal outcome. The ruling did not finally decide the contested marital or burial entitlement.

Order 42 rule 6 requires promptness, substantial loss and security. An irreversible burial needs precise preservation and workable mortuary arrangements. This historical interim order and later mention date are not proof that the body remains detained or that the order is still operative.

[2026] KEHC 8626 (KLR) - 17 June 2026. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2026/8626/eng@2026-06-17

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/sitawa-another-v-sikolia-2026-kehc-8626-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.