Respondent’s Forum Suitability Submissions

Export Flower Invoices With Agency and Set-Off Disputes — Milimani Small Claims Court

Educational reconstruction based on a published Kenyan judicial decision. This is newly drafted sample wording, not the original filed document and not a case handled by our team. Parties and identifying details are replaced with fields for completion. The source judgment may display original public case details.

Purpose and correct procedural stage

Looking for a respondent’s forum suitability submissions for export flower invoices with agency and set-off disputes in Nairobi? This page provides a reconstructed draft for Milimani Small Claims Court, with editable Word and PDF downloads. A Kenyan lawyer or advocate can adapt the document to the correct party, evidence and procedural stage.

Use the formal section only after completing the fields from the actual record. The educational notes and later outcome are separate from the draft and should not be filed as allegations that existed at the earlier stage. Keep the actual party’s legal position: Respondent company representative.

Reconstructed formal document

REPUBLIC OF KENYA
IN THE SMALL CLAIMS COURT AT MILIMANI, NAIROBI
CASE NO [number] OF [year]
[Claimant] — CLAIMANT
VERSUS
[Respondent] — RESPONDENT

RESPONDENT'S FORUM SUITABILITY SUBMISSIONS

1. Filed for: [identify party and procedural capacity]
Decision/application addressed: [identify the actual challenged order or pending issue]
Relevant record: [bundle or appeal-record references].

2. ISSUES AND SUBMISSIONS

3. CHARACTERISATION COMES FIRST

4. The asserted invoice debt cannot be treated as admitted merely because goods were shipped. The court must examine whether the respondent assumed a buyer's obligation or accounted as an intermediary. The record passage relied on is [insert accurate bundle or proceedings references].

5. NECESSARY ACCOUNTING

6. The response identifies the account entries, charges and quality issues that require reconciliation. It does not present unsupported deductions as established debts or invent a quantified counterclaim. The record passage relied on is [insert accurate bundle or proceedings references].

7. APPROPRIATE FORUM

8. The decision considered complexity, the long course of dealing and absent overseas participants when finding this particular claim unsuitable for summary determination. This is a case-specific submission, not a universal exclusion of commercial invoices. The record passage relied on is [insert accurate bundle or proceedings references].

9. NO MERITS SHORTCUT

10. If the claim is struck out without prejudice, the respondent should not ask the court to declare the supplier's debt extinguished. Any subsequent proceedings remain subject to their own jurisdiction, limitation and evidence requirements. The record passage relied on is [insert accurate bundle or proceedings references].

11. PROCEDURAL POSITION
The submission addresses the pleaded issue at this procedural stage. It does not amend the pleadings or turn disputed assertions into evidence.

12. ORDERS REQUESTED
Consider the suitability of determining this dispute in the summary forum; if unsuitable, strike out the claim without prejudice to proceedings in an appropriate court, with costs as the Court directs.

DATED at [place] this [day] of [month] [year].
[Party or advocate signature]
[Name and capacity]
[Address for service]
TO: [opposing party or advocate, verified service details].

Evidence and adaptation checks

Course of dealing: Whether respondent bought for itself or acted as intermediary. Record to locate: Available agreements and correspondence describing the parties' roles.

Consignment account: Transaction-level reconciliation rather than a single global balance. Record to locate: Invoices, shipping records and allocation of incoming payments.

Quality communications: Existence and scope of the asserted dispute; no assumed finding of defect. Record to locate: Actual complaints and their transmission to the supplier.

Charges and set-off: Identify what is disputed, the contractual basis and affected third parties. Record to locate: Contemporaneous agency fee terms and supported adjustment calculations.

Do not present the source as a successful simple debt recovery claim. A proposed set-off needs its own contractual and evidential basis; an allegation of quality problems is not proof that the goods were defective.

What happened later — educational context only

The Small Claims Court struck out this claim as unsuitable for summary determination without prejudice. It did not award the disputed export debt or conclusively resolve the agency account.

The sample was drafted retrospectively from the published reasons. It is not evidence that these exact words, schedules or documents were filed in the source proceedings. Factual assertions must be verified independently before any real filing.

Source judgment and filing review

[2026] SCC 194 (KLR) — https://sheriahub.com/cases/ke/caselaw/primarosa-flowers-ltd-v-herany-flora-ltd-2026-scc-194-klr

Full published judicial text, including final orders, reviewed 8 October 2026. The linked text is a reproduction of the judicial decision. The sample cites that decision as its factual and procedural starting point, not as a guarantee of another case's outcome.

Before use, a qualified Kenyan advocate should check current legislation and rules, court competence, limitation or appeal time, prescribed forms, electronic-record foundations, service and registry directions. Do not copy historic contract terms into a different transaction.