

Response to Claim Supporting Particulars

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 response to claim supporting particulars 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. This download is supporting particulars, not a reproduction of the prescribed SCC 1 or SCC 2 form. Obtain the current form from the registry and complete its required fields.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SMALL CLAIMS COURT AT MILIMANI, NAIROBI

CASE NO [number] OF [year]

[Claimant] — CLAIMANT

VERSUS

[Respondent] — RESPONDENT

RESPONSE TO CLAIM SUPPORTING PARTICULARS

1. These particulars accompany the current prescribed response form, SCC 2. The Respondent disputes the claim except to the extent expressly admitted in the completed response. The matters in issue are particularised below.
2. The supplier claimed payment for flower consignments sent during the pleaded trading period. The respondent disputed the characterisation of its role as an unconditional purchaser.
3. The respondent's position was that it acted as an intermediary in a course of dealing involving overseas customers. Quality complaints, agency charges and proposed set-offs were part of the disputed account.
4. The commercial relationship extended beyond isolated invoices. The parties relied on shipping and payment correspondence, while the foreign customers whose dealings affected the account were not parties to the small claim.
5. The respondent sought consideration of the suitability of the summary forum for this multi-party accounting dispute. It did not contend that every export invoice or every agency transaction is automatically outside the Small Claims Court.
6. The Respondent requires proof of the contracting parties, the obligation relied on and the net account balance. The transaction records are addressed individually; no credit is asserted without identification of its date, recipient and allocation.
7. The proposed set-off or accounting adjustment, if any, is [identify contractual basis and supported entries]. This response does not assert an unquantified claim for an invented loss. Any affirmative counterclaim must be separately completed under the applicable procedure.

8. REQUESTED DISPOSITION

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.