Witness Statement

Overseas Recruitment Refund and Reversed Payments — 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 witness statement for overseas recruitment refund and reversed payments 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: Parent who paid recruitment charges.

Reconstructed formal document

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

WITNESS STATEMENT

1. I, [witness name], of [address retained in the filed record], make this statement in my capacity as [actual role]. I identify below the matters I personally observed and the records I am competent to explain.

2. My connection with the transaction is [state actual participation and, for a business witness, authority and record-keeping role]. I do not give evidence on behalf of a mechanic, police officer, bank or other participant about matters outside my personal knowledge.

3. I paid the recruitment service for proposed employment in Romania for my two adult sons. The engagement terms and receipts are [references].

4. An alternative destination in the United Arab Emirates was proposed. My position was that I had not agreed to the change. The proposal and my response are recorded at [references].

5. I identify completed payments, a reversal and a re-sent transfer separately in [schedule]. A reversed entry and its retransmission are not two net payments.

6. A third-party entry is disputed. I state only what I know about its payer, purpose and connection to the engagement. My refund request and refunds received are [complete from records].

7. I identify the records I made, sent, received or maintained as [bundle page references and explanation of provenance]. For a record obtained from another person, the source and the basis on which I can speak to it are [complete from evidence].

8. Payments and credits I can explain are [date, amount, channel and allocation]. Any difference between an initiated payment and a completed or reversed transfer is addressed expressly. I rely on the net account, without treating a later judicial award as part of the original transaction.

9. The events I did not personally observe, and any matter requiring another witness, are [identify]. I have not adopted another participant’s observations as my own.

I confirm that the completed statement reflects my knowledge and the identified records.
Signed: [witness]
Date: [date]
[Apply any required statement of truth or registry attestation in the current prescribed form.]

Evidence and adaptation checks

Recruitment terms: Original destination, parties and service promised. Record to locate: Actual engagement correspondence and receipts.

Destination change: Whether the change was agreed. Record to locate: Correspondence proposing alternative destination and response.

Bank and wallet records: Net amounts actually received, not just initiated. Record to locate: Certified or admissible statements, reversals and re-sent transfer records.

Expense records: Whether a particular charge was incurred and is deductible. Record to locate: Actual invoices, payment proof and contractual basis for deductions.

Remittal order: Limits of the quantum rehearing; liability already resolved. Record to locate: Trial order, appeal judgment and remittal directions, for rehearing only.

Do not treat a visa refusal as an automatic entitlement to every payment, assume the agency guaranteed admission, or reuse the set-aside trial figure as the final result.

What happened later — educational context only

The High Court upheld breach liability but set aside the quantum determination for a limited rehearing. The ultimate recalculated refund is not supplied by that judgment.

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] KEHC 12738 (KLR) — https://sheriahub.com/cases/ke/caselaw/njenga-another-v-njuguna-2026-kehc-12738-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.