Claimant’s Written Closing Submissions

Unpaid Soil Deliveries and Separate Subcontract Cheques — 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 claimant’s written closing submissions for unpaid soil deliveries and separate subcontract cheques 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: Claimant subcontractor.

Reconstructed formal document

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

CLAIMANT'S WRITTEN CLOSING 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. SEPARATE ENTITLEMENT

4. The response to the other-case argument identifies the payee, instruments and transaction giving rise to this claimant's entitlement. Sharing a subcontract does not by itself establish identity of causes of action. The record passage relied on is [insert accurate bundle or proceedings references].

5. RES JUDICATA MUST BE ESTABLISHED

6. Section 7 of the Civil Procedure Act requires examination of the parties, the issue directly and substantially in dispute, competence and a prior final determination. A bare reference to another judgment does not establish all these elements. The record passage relied on is [insert accurate bundle or proceedings references].

7. PAYMENTS MUST BE ALLOCATED

8. A receipt relating to another transaction, or a credit later reversed, should not be deducted without proving its allocation to the pleaded debt. Conversely, every genuine payment towards this account must be credited. The record passage relied on is [insert accurate bundle or proceedings references].

9. NET DEBT AND CIVIL RELIEF

10. The dishonoured instruments support a civil claim when linked to the underlying supply. This draft does not allege that cheque dishonour proves a criminal offence or fraudulent intent. 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
Judgment for KSh [reconciled unpaid amount attributable to this claimant], interest as lawfully determined and assessed costs; reject the unsupported contention that another subcontractor's judgment bars this claim.

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

Subcontract and delivery: Scope of supply and allocation between subcontractors. Record to locate: Memorandum and delivery or acceptance records.

Claimant-specific cheques: Identity of payee and separate payment obligation. Record to locate: Original or bank-certified instruments and return notices.

Replacement instruments: Whether the debt was satisfied or instruments merely replaced. Record to locate: Replacement cheques, stop notice and payment correspondence.

Payment reconciliation: Separate this account from unrelated or reversed payments. Record to locate: Bank or mobile-money credits, disputed payments and their transaction references.

Other proceedings: Test parties, issue and cause of action for the asserted bar. Record to locate: Relevant pleadings and final order in the other subcontractor’s case.

Do not silently fix inconsistent source arithmetic or duplicate recovery awarded to another supplier. Complete a claimant-specific payment ledger and check the prior pleadings.

What happened later — educational context only

The claimant recovered the unpaid sum. The court treated the claimant’s cheque obligation as distinct and rejected the asserted bar arising from the other subcontractor’s case.

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 193 (KLR) — https://sheriahub.com/cases/ke/caselaw/wairimu-v-kinyanjui-ta-githembe-general-stores-2026-scc-193-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.