Witness Statement

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 witness statement 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

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 participated in the red-soil supply arrangement with the respondent. Another subcontractor also participated. I identify my own deliveries and payment entitlement from [agreement and delivery records].

4. I received part payment and the postdated cheques at [references]. They were dishonoured. I identify the bank return records and replacement instruments at [bundle pages].

5. A replacement payment was stopped. Its supporting record is [reference]. Credits actually received for my deliveries are [identify each and its allocation].

6. The respondent refers to other payments and another subcontractor’s proceedings. I explain transactions within my knowledge and identify the other court record separately. That person’s award is not a payment received by me.

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

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.