Claimant’s Written Closing Submissions

Travel Agent Refund With Unsupported Airline Penalties — 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 travel agent refund with unsupported airline penalties 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: Travellers claiming repayment.

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. MONEY RETAINED BY THE INTERMEDIARY

4. The court should identify the money received and what was returned. The requested relief concerns a services contract and funds retained, rather than immigration relief or damages against a consulate. The record passage relied on is [insert accurate bundle or proceedings references].

5. DEDUCTION REQUIRES TWO FOUNDATIONS

6. A claimed penalty needs proof that it was incurred and a legal or contractual basis for passing it to the travellers. An itinerary alone does not prove airline remittance. The record passage relied on is [insert accurate bundle or proceedings references].

7. SPECIAL KNOWLEDGE

8. Sections 107, 109 and 112 of the Evidence Act were relevant to proof of the expense assertion and records in the agent's knowledge. The travellers' initial proof of payment remains necessary. The record passage relied on is [insert accurate bundle or proceedings references].

9. NARROW CONCLUSION

10. Genuine and contractually justified expenses can affect a refund. The source record lacked the proof for the proposed deductions; it does not establish that all travel bookings must always be refunded in full. 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 [payments received minus verified refunds and legally justified proven deductions], lawful interest and assessed costs.

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

Booking and payment: Sum paid, payer and service contracted for. Record to locate: Booking agreement, receipts and admissible bank or wallet records.

Visa and cancellation: Why travel did not proceed and refund request chronology. Record to locate: Relevant refusal and cancellation communications, privately redacted as appropriate.

Airline account: Differentiate reservation from payment and a quoted fee from an incurred fee. Record to locate: Actual remittance receipts and penalty terms, if supplied.

Refund account: Avoid double recovery and unsupported arithmetic. Record to locate: All refund credits and retained sums reconciled by date.

The narrative figures for the proposed deductions do not fully reconcile. Use a verified ledger. Do not promise full recovery merely because a transit visa was refused.

What happened later — educational context only

The refund was upheld on appeal. The asserted deductions lacked the required supporting proof in the record. The court distinguished reservations from actual remittances.

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 9991 (KLR) — https://sheriahub.com/cases/ke/caselaw/skyblue-travel-bureau-ltd-v-kariuki-another-2026-kehc-9991-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.