Vehicle Instalment and Resale Credits Disputed Account Schedule

Educational sample 277 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE SMALL CLAIMS COURT AT MOMBASA

SMALL CLAIMS COMMERCIAL CASE NO [reference]

[PURCHASER CLAIMANT] v [SELLER RESPONDENT AND COUNTERCLAIMANT]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule identifies the account issues in the vehicle purchase claim and counterclaim. It is an accounting aid subject to admission of the underlying records, not evidence that every asserted charge is due or a new pleading for relief.

2. Payment entries are to state [date], [deposit or instalment], [receipt or bank reference], [amount] and [bundle page]. The source narrative uses both Kshs 698,500 and Kshs 698,000; the reconciled figure must come from actual records rather than choosing the larger number.

3. The vehicle release, repossession and sale entries identify [certified release order], [possession date], [sale document], [gross proceeds], [lawful sale costs] and [net credit]. Missing amounts are marked missing and are not treated as zero.

4. The seller heads are separately recorded: purchase balance, monthly penalties, alleged losses and legal fees. For each, insert the contractual basis, calculation period, payment proof and proposed credit. No unexplained total is copied over from an inconsistent pleading summary.

5. The net calculation is [proved enforceable debit] minus [payments] minus [applicable net resale credit], with disputed items shown separately. Any damages for a different proved loss require their own analysis and must not duplicate the debt or vehicle recovery.

6. The judgment column records only the operative award and disposition of the counterclaim. In the source case the award was Kshs 350,000 and the counterclaim failed. Interest, costs and later payments require the actual decree, orders and current ledger.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A purchaser paid a deposit and instalments for a vehicle intended for car hire. Police detention interrupted payment, and the seller obtained release, repossessed and sold the vehicle. The purchaser sought a refund; the seller counterclaimed purchase balance, penalties, losses and legal fees. The trial Court awarded Kshs 350,000 and dismissed the counterclaim.

The High Court dismissed the purchaser costs appeal, the seller cross-appeal and the purchaser preliminary objection. It upheld the reasoned costs discretion and rejected recovery of the additional counterclaim heads after repossession as harsh in the circumstances. Each party bore its own costs.

Sections 33 and 38 of the Small Claims Court Act concern costs discretion and appeals on questions of law. A contested compliance chronology is not automatically a pure preliminary objection. The source inconsistently gives Kshs 698,500 and 698,000 paid and inconsistent related-appeal references; use actual receipts, certified orders and the decree. Kshs 350,000 was the award, not the full refund claimed.

[2025] KEHC 19554 (KLR) - 27 November 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/kabagi-v-farhan-motors-ltd-2025-kehc-19554-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/kabagi-v-farhan-motors-ltd-2025-kehc-19554-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.