Reply to a Renovation Counterclaim Over Store Scope and Completion

Educational sample 418 | Kisumu

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 KISUMU

SMALL CLAIMS COMMERCIAL CASE NO [reference]

[CONTRACTOR CLAIMANT] v [CLIENT RESPONDENT AND COUNTERCLAIMANT]

RESPONSE TO COUNTERCLAIM

1. The claimant responds to the counterclaim alleging unfinished store or shelving work and KES 50,000 loss. The agreed contract price and credited payments are admitted. The counterclaim scope, breach, causation and amount are disputed as stated below.

2. The claimant contends that the communicated scope was [actual reception and pharmacy works], supported by [quotation and communications]. The respondent internal minutes do not establish, without evidence of communication and acceptance, that every internally budgeted item formed part of the oral bargain.

3. The claimant alleges completion at [date] and identifies [actual inspection and witness]. The respondent alleged unfinished item is answered by [specific truthful account]. This response does not create a retrospective handover certificate or assert a witness approval absent from the evidence.

4. The earlier request for money is admitted in its actual terms and confined to its date. The later demand is a claim for the final balance. Neither document alone resolves the later completion dispute or the respondent right to independent proof of its counterclaim.

5. The claimant requires the respondent to particularise and prove the KES 50,000 loss, identifying the alleged defect, actual remedial work, reasonable cost and any relevant credits. The retained KES 25,000 and any remedial expenditure must be reconciled to prevent duplicate compensation.

6. PRAYERS: dismiss the unsupported counterclaim and determine the original due-debt issue on the complete evidence. This response is filed through the prescribed Small Claims counterclaim process and actual service directions, not as new evidence automatically available in a later appeal.

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

Use Small Claims Court rule 15 and the applicable prescribed response to a counterclaim or set-off. Answer each monetary head and supply genuine documents through the proper exchange procedure.

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

An oral hospital renovation agreement had a KES 250,000 price, with KES 225,000 paid and KES 25,000 retained. The contractor alleged completion. The client said a store/shelving item remained unfinished and counterclaimed KES 50,000. The quotation, earlier advance request, later final demand, photograph and direct supervisor evidence did not conclusively agree on scope or completion.

Kisumu High Court upheld dismissal of the contractor claim under the Small Claims law-only appellate limit. It identified defective trial reasons but found a reasonably supported factual conclusion remained. The undetermined counterclaim was not awarded without a cross-appeal. Trial costs stood; each party bore own appeal costs.

Small Claims Act section 38 permits appeal on matters of law, not a retrial of competing factual inferences. The judgment did not invalidate oral renovation contracts or require a completion certificate never agreed. Distinguish proof of the due milestone from arithmetic, an internal budget from accepted scope, and a later demand from client acceptance.

[2026] KEHC 12404 (KLR) - 24 July 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/simwa-v-board-management-family-health-care-hospital-2026-kehc-12404-klr

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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.