Small Claims Response and Counterclaim for Unfinished Hospital Shelving

Educational sample 417 | 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]

STATEMENT OF RESPONSE

1. The respondent admits the oral renovation agreement, the KES 250,000 price and KES 225,000 payments. It denies that the final KES 25,000 became due because [precisely identified store or shelving component] was not completed under the communicated bargain.

2. The response identifies who instructed the contractor, the scope actually communicated and the source of the completion condition. The internal project minutes are disclosed as internal records and are not treated alone as conclusive proof of terms accepted by the claimant.

3. The unfinished component is described at [location, dimensions and actual condition], with the supervising witness and dated evidence at [references]. A photograph of materials left on site is distinguished from direct proof of the state of the disputed structure.

4. The respondent answers the alleged clearance by [named role] with [actual account and authority]. Prior payments are credited in full. The respondent does not deny an admitted price merely because the final milestone remains disputed.

5. By counterclaim the respondent seeks the specifically supported remedy [completion relief within jurisdiction or quantified monetary loss]. The source sought KES 50,000 but that sum requires its own pleaded breach, loss and proof; it is not an automatic offset equal to twice the retained balance.

6. PRAYERS: dismiss the unproved final-payment claim; determine the properly pleaded counterclaim on its own evidence; and award appropriate costs. The source counterclaim was not determined and was not awarded on appeal in the absence of a cross-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

Complete the prescribed Small Claims Court response and serve it under rules 9 and 12. Give precise admissions, denials and the evidence for any counterclaim or set-off. Check the current summons and directions; this is substantive wording, not the prescribed form. Use the prescribed response/counterclaim procedure. The source contains no final award of the KES 50,000 counterclaim.

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.