Renovation Appeal Record Schedule for Scope Milestone and Counterclaim

Educational sample 420 | 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 HIGH COURT AT KISUMU

SMALL CLAIMS CIVIL APPEAL NO [reference]

[CONTRACTOR APPELLANT] v [CLIENT RESPONDENT]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule indexes the admitted Small Claims record for the law-only appeal in [reference]. It identifies what each item supports and its limits. It supplies no new completion evidence and does not replace an application required for additional evidence.

2. SCOPE: enter the internal approval minutes, quotation and actual communicated instructions with their dates and record pages. Distinguish the client intended project from terms proved accepted by the contractor. Record whether the disputed small store appears in each document.

3. PAYMENT: enter the KES 250,000 contract price, each verified payment comprising KES 225,000, and the KES 25,000 balance. Link the final instalment to the pleaded completion condition. Correct arithmetic does not independently establish maturity.

4. COMPLETION: index the earlier further-funds request, later final demand, witness accounts, asserted clearance and photograph. Record that the earlier letter concerns its own date and the later demand is unilateral. Separate a witness direct supervision from second-hand branch reports.

5. COUNTERCLAIM: identify the KES 50,000 prayer, alleged breach and supporting records; the trial omission to determine it; and whether a cross-appeal exists. The source High Court made no counterclaim award. This entry must not describe an unresolved prayer as a decree.

6. LEGAL ISSUES: locate the challenged burden, reasons and alleged perversity at [pages], together with the contradictory evidence the appeal must address. Update costs and operative orders from certified records. An index organises the evidence; it cannot turn a factual contest into a permissible fresh appellate trial.

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

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

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/simwa-v-board-management-family-health-care-hospital-2026-kehc-12404-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.