



Shee v Kibeti (Commercial Case E014 of 2024) [2024] SCC 5 (KLR) (9 October 2024) (Judgment)

Neutral citation: [2024] SCC 5 (KLR)

**REPUBLIC OF KENYA
IN THE SMALL CLAIMS COURT AT LAMU
COMMERCIAL CASE E014 OF 2024
FM MULAMA, RM
OCTOBER 9, 2024**

BETWEEN

MOHAMED LALI SHEE CLAIMANT

AND

COSMAS KIBETI RESPONDENT

JUDGMENT

A. Introduction.

1. Cosmas Kibet a police officer attended court on 09/10/2024 and admitted the claim.
2. It was his admission that he owes the plaintiff Kshs.116,430/= and which debt he is determined to pay as he is working round the clock to get the said money to pay.
3. The respondent pleaded with the court to be granted 30 days within which he would have repaid the debt in full and the matter would have been concluded.

B. Analysis and Determination.

4. Section 26 of the *SCC Act* provides for admission of claim either in part or whole. In this case the respondent has admitted the claim in whole and in person but in the presence of his intended counsel.
5. Consequently, and based on that admission the claim is allowed in the manner it has been presented in the claim and as admitted by the respondent.
6. Since costs follow events, the claimant is awarded costs of the assessed at an all inclusive sum of Kshs.10,000/=

Conclusion and Disposition.

7. The upshot of the foregoing I make the following final orders;



- a. The claimant is awarded Kshs.116,430/=.
 - b. The claimant is awarded costs of the claim assessed at Kshs. 10,000/= all inclusive.
 - c. Let the file be closed forthwith.
8. Orders accordingly.

DATED, SIGNED AND DELIVERED AT LAMU SMALL CLAIMS COURT THIS 9TH DAY OF OCTOBER 2024.

HON. FLAVIAN M. MULAMA

ADJUDICATOR/RESIDENT MAGISTRATE

LAMU LAW COURTS

In the presence of:

Fathiya Loo - C/A

Mohamed Lali Shee

Cosmas Kibet

Mr. Erick Maina- Advocate

