



**REPUBLIC OF KENYA**

**IN THE SMALL CLAIMS COURT AT NAIROBI**

**SCCCOM 020 OF 2021**

**IAVINGTON MONTESSORI KINDERGARTEN LIMITED.....CI AIMANT**

**VERSUS**

**JACK OWINO.....RESPONDENT**

**JUDGMENT**

By a plaint dated 20<sup>th</sup> January 2020, the claimant seeks judgment to be entered against the Respondent for;

- a. Damages for breach of contract
  - b. Kshs 470,087 being the outstanding school fees arrears
  - c. Costs of and incidental to this suit
  - d. Interest on (a), (b) and (c) above at court rates from the date they fell due
- until payment in full
- e. Such other and further relief that this honourable court may deem just and fit to grant.

In brief, the claimant avers that on or about the month of January 2019, the Respondent approached it to have his son O.T.J enrolled to its school in Lavington area Nairobi. The Respondent was duly informed the terms of engagement and for which he duly filed and executed the requisite application form.

contravene the plaintiff's allegations and therefore the court finds that the plaintiff has proved its case against the defendant to the required standard.

Disposition

The upshot is that the plaintiff has proved its case on a balance of probabilities, consequently, judgment is entered against the defendant for;

- a. Kshs 470,087/- plus interest at court rates from the date of filing suit.
- b. The plaintiff is also awarded costs of the suit and interest at court rates from the date of judgment.

**HON. B.J OFISI (MRS)**

**RESIDENT MAGISTRATE**

**Judgment read, signed and delivered virtually this 5<sup>th</sup> day of May 2021**

**In the presence/absence of:**

**Plaintiffs Advocate:**

**Defendant's Advocate**

**C/A -HELIDAH**