



**REPUBLIC OF KENYA**  
**IN THE SMALL CLAIMS COURT AT VOI**  
**SCC COM NO. E083 OF 2025.**

**RAISONS DISTRIBUTORS LIMITED.....CLAIMANT**

**-VERSUS-**

**MY DUKANI INVESTMENT LIMITED.....  
.....RESPONDENT**

**JUDGEMENT.**

**BRIEF FACTS.**

- 1) The claimant supplied the respondent upon request with goods on credit and the respondent made partial payment leaving an outstanding balance to which it now claims. The outstanding claim stands at Kshs. 369,196/=. Statement of accounts and invoices have been filed in support of this claim.
- 2) The respondent has filed a response admitting to the claim but to a limited extent of Kshs.189,672/=. It is the respondent’s claim that the same is due to the cheque that bounced in the month of October 2025. Judgment on admission for the sum admitted was entered by this court on 2/2/2026.
- 3) I am now called to make a determination whether the claimant has made out its case for the balance of Kshs. 179,524/=. I have considered the claim, the response, rival documents and submissions filed by the claimant dated 4/2/2026.

**ISSUE FOR DETERMINATION.**

- a) Whether the claim for Kshs.179,524/= has been proved.
- b) Who bears costs of the claim.

## **ANALYSIS AND DETERMINATION.**

- a) Whether the claim for Kshs.179,524/= has been proved.**
- 4)** The respondent admits only a portion of Kshs.189,672/= and according to him that was an amount that became due because of a bounced cheque. He does not comment on the invoices and/or the statement of accounts filed by the claimant.
  - 5)** The respondent has not in any way demonstrated how inaccurate the computation by the claimant is or challenge any of the entries. To the contrary the claimant has attached a document showing the invoices and the respective amounts owed by the respondent.
  - 6)** The claimant having laid out his case and support it with documents and the respondent having denied the same with no evidence to support his allegation and that the only amount due is Kshs.189,672/= in my view he has to prove that the amount is indeed Kshs.189,672/= and not what the claimant claim
  - 7)** It is trite law that he who alleges must prove. Section 107 of the Evidence Act Cap 80 Laws of Kenya provides that, “ Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts must prove that those facts exist.”
  - 8)** The claimant has in my view proved the claim to the required standards, on the other hand the respondent has not demonstrated that the amount he owes the claimant has not been accurately computed. When a person is bound to prove the existence of any fact it is said that the burden of proof lies on that person. The Respondent has not discharged the burden in section 107 of the Evidence Act.
  - 9)** The claim is thus proved in terms of the balance following the admission of part of the claim by the respondent.

### **b) Who bears costs of the claim.**

- 10)** As to the issue of costs, the claimant having been successful in the matter, it is awarded costs of the claim.

## **CONCLUSION AND DISPOSITION.**

**11)** The upshot of the foregoing I make the following final orders;

**a) The claimant's claim contained in the statement of claim dated 25/11/2025 is allowed in the sum of Kshs.369,196/= as pleaded.**

**b) Costs and interests are awarded to the claimant. Interest to accrue from the date of filing until payment in full.**

**12)** Orders accordingly.

**DATED, SIGNED AND DELIVERED AT VOI SMALL CLAIMS COURT  
THIS....9<sup>th</sup> .....DAY OF ...February...2026.**

**F.M. MULAMA  
ADJUDICATOR/RM**

**In the presence of:**

Court Assistant:- Daniel Damise

Mr. Mutwiri for Claimant.

N/A for the respondent