

REPUBLIC
KENYA

IN THE
CLAIMS
AT VOI



OF

SMALL
COURT

SC COM NO. E072 OF 2025.

ROSE SALAMA
KAZUNGU.....
....CLAIMANT

-VERSUS-

KELVIN MUSYOKI.....
.....RESPONDENT

JUDGEMENT

BACKGROUND

- 1) This is a money claim for Kshs.171,500/=. The claimant avers that he entered into a verbal agreement with the respondent where the claimant advanced the respondent Kshs.500,000/= to facilitate his purchase of motor vehicle.
- 2) That it was the request of the respondent that the claimant makes a direct deposit to Khushi motors where the respondent was to purchase the motor vehicle from and it was further agreed that the amount would be paid within a reasonable time.
- 3) The respondent has since repaid Kshs.328,500/= leaving an outstanding balance of Kshs.171,500/= to which the claimant is now claiming from the respondent.
- 4) The respondent denies the claim. He asserts that the claimant was his girlfriend from the year 2020 and in the year 2024 the claimant willingly decided to gift him a car and also agreed to have the agreement be in his name. Later on according to him she demanded for the refund and since the respondent was unable, she advised him to sell the vehicle which he did at Kshs.200,000= but the claimant declined to acknowledge receipt of the Kshs.200,000/=

- 5) Despite filing his response, the respondent was a no show during the hearing despite service and as such the matter proceeded in his absence.

DETERMINATION.

- 6) I have perused the claim and the supporting documents and I have perused the certificate of service filed and I find that the respondent was duly served with the claim.
- 7) There is evidence on record that the said amount was deposited with Khushi motors and with the absence of any evidence to the contrary to challenge the averments by the claimant, I find that on a balance of probabilities the claimant has proved the claim against the respondent.
- 8) The defence by the respondent is a mere denial of the debt with no evidence to back up his allegations in opposition to the claim.

DISPOSITION.

- 9) The claim contained in the statement of claim dated 27th October 2024 is allowed in the sum of **Kshs.171,500/=** together with costs and interest at court rates.
- 10) The interest to be calculated from date of filing the claim until payment in full.
- 11) The file be and is hereby closed.
- 12) It is so ordered.

Dated and Delivered virtually at Voi Small Claims Court this...28th... day of..January..2026

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

In the presence of:

Daniel Damise-C/A

Mr. Mwinzi for the Claimant.