



**Oka v Mohamoud (Civil Case E003 of 2025) [2026] SCC 11 (KLR) (28 January 2026) (Judgment)**

Neutral citation: [2026] SCC 11 (KLR)

**REPUBLIC OF KENYA  
IN THE SMALL CLAIMS COURT AT LAMU  
CIVIL CASE E003 OF 2025  
FM MULAMA, RM  
JANUARY 28, 2026**

**BETWEEN**

**SCOLASTICA WAKESHO OKA ..... CLAIMANT**

**AND**

**ABDILLAHI MOHAMOUD ..... RESPONDENT**

**JUDGMENT**

1. On the diverse dates between 9/11/2025 and 13/11/2025 the claimant alleges that the respondent let his livestock graze into the claimant's farm thereby destroying her crops causing her to suffer a loss amounting to Kshs.88,880/= pursuant to an assessment conducted on 13/11/2025 and a report in this respect filed.
2. The respondent denies the claim. He states fundamentally that on the material dates he did not let his livestock to stray into the claimant's farm and that the animals in the photos filed by the claimant are not his since his have distinct and unique identification which are well known in the locality and finally that she failed to prove ownership of the piece of land.
3. I have perused and considered the documents and pleadings as filed as well as the submissions filed by all the parties.

**Issue(s) For Determination.**

- a. Whether the Respondent is liable to pay Kshs.88,800/=.
- b. Who bears costs of the claim.

**Analysis And Determination.**

- a. Whether the Respondent is liable to pay Kshs.88,800/=.



4. In support of the claim, the claimant has heavily relied in my view on the crop damage assessment report dated 13/11/2025 and a bundle of photographs. I have looked at both documents vis a vis the photos filed by the respondent.
5. It is the claimant's case that the respondent's livestock strayed to her parcel of land and destroyed her cotton plantation. The respondent took issue with the ownership of the said cotton and the piece of land to which they grew on. It is clear from the record that no such proof was availed and/or produced in evidence.
6. As it stands the court is not sure who's parcel of land it belongs to. This is importance because it is the basis upon which the claim is founded. For the claimant to lay her claim, it must be proved to court that she owns the land or she has leased the land and in support of all these documents have to be availed to the satisfaction of the court. If allowed in the manner sought by the claimant then anyone would file and lay a claim on any parcel of land that is infested or attacked by livestock.
7. In essence locus standi has to be established by the claimant. It is not enough to produce an assessment report without proof of ownership of those cotton stems and/or the land upon which the cottons are growing on. I agree with the respondent's submission on this issue that locus standi is a substantive issue that goes to the jurisdiction of this Court. This is the position as espoused by Supreme Court in *Matemu v Trusted Society of Human Rights Alliance & 5 Others* that a party approaching the Court must demonstrate sufficient interest grounded in evidence and not mere assertion. The Court warned against entertaining claims founded on assumptions, conjecture, or abstract grievances. This is what the claimant is asking the court to do in this matter.
8. In addition, I have perused the crop damage assessment report dated 13/11/2025 and I take the view that this is not a properly prepared assessment report on the sole reason that it is prepared on a plain paper without any letter head. The alleged agricultural extension officer is a public servant and offers the service not in her personal capacity but on behalf of an office to which she is employed to as I expect a properly prepared report in a proper letter head of the relevant ministry.
9. I say this having taken judicial notice of the fact that such reports have been placed before me in other matters and they are always under the relevant ministry's letter head and not under personal document and/or design as it has been demonstrated in the assessment report.
10. As if that is not enough and as ably submitted by the respondent the crop assessment report produced is fundamentally deficient as I have stated and the respondent views it in this sense. It does not state where the assessment took place or identify the land assessed to which I wholly agree. It does not indicate the acreage under cultivation or the portion allegedly destroyed again I fully agree. Instead, it merely lists a number of plants without disclosing the methodology used to arrive at those figures. No evidence was led to show that an actual count was conducted, and no sampling or measurement method was explained. Again I agree.
11. Further, the report applies a compensation rate of Kshs. 8/= per plant without attaching the schedule relied upon, indicating its source, or stating whether the rate is current or applicable. Without such crucial disclosure of the basis of the rates used, I agree with the respondent that the assessment remains arbitrary and incapable of verification. Such a report cannot form a sound basis for an award of damages.
12. Furthermore, the respondent has denied ownership of the livestock allegedly on the claimant's piece of land. In support of these he has filed a bundle of photographs indicating that his livestock have distinct mark which is absent to the livestock the claimant alleges had invaded her farm. This issue was not be challenged by the claimant. All the claimant submits on is that the respondent upon obeying



summons to the police he admitted to be the owner. That admission was not in evidence. I do find that the evidence by the respondent rebutted that of the claimant in terms of ownership of the animals. It is not enough to rely on an alleged admission that is not before court.

13. In the end I do find and hold that on the foregoing reasons, the claimant has not discharged the burden placed on her by the law. The case has not been proved to a balance of probabilities.
  - b. Who bears costs of the claim?
14. As it is now evident, the respondent has strenuously defended the claim and having been successful in the matter and that costs follow events he is awarded costs of the claim.

#### **Conclusion And Disposition.**

15. The upshot of the foregoing I make the following final orders;
  - a. The claim contained in the undated statement of claim is wholly without merit and is consequently dismissed.
  - b. The costs of the claim are awarded to the respondent.
  - c. Let the file be closed forthwith.
16. Those shall be the orders of this court.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT LAMU SMALL CLAIMS COURT THIS 28TH DAY OF JANUARY 2026**

**F.M. MULAMA**

**ADJUDICATOR/RM**

In the presence of:

Court Assistant:- Daniel Damise.

N/A for the Claimant.

Ms. Wairimu H/B for Maina for the Respondent.

