

REPUBLIC OF KENYA
IN THE SMALL CLAIMS COURT AT MILIMANI
SCCOMM NO. _____ OF 2024

ISOKAT BETHWEL.....CLAIMANT

VERSUS

MOSES MASIKA WETANGULA.....RESPONDENT

CLAIMANT'S STATEMENT OF CLAIM

1. The Claimant is a male adult of sound mind and working for gain in Nairobi City County within the Republic of Kenya, and whose address of service for the purpose of this suit shall be care of **ASHIOYA MOGIRE & NKATHA ADVOCATES, MAENDELEO HOUSE 5TH FLOOR SUITE 508, MONROVIA STREET, P.O. BOX 28636-00100-NAIROBI.**
2. The Respondent, **MOSES MASIKA WETANGULA** is the Speaker of the National Assembly of Kenya. Service of court process upon the Respondent shall be effected through the Claimant's Advocates offices.

NATURE OF CLAIM

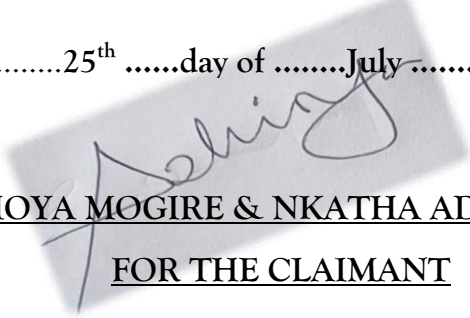
3. On or about the month of June, 2021 the Respondent contracted the Claimant to supply the following;
 1. Two male German shepherds one being six months and the other one year
 2. Four packs of brave active (dog food)
 3. One dog training sleeve
 4. Four pieces of dog leash and choke chains
 5. Four pieces of dog grooming brushes
 6. One piece of a dog nail cutter
 7. Five litres of dog shampoo
 8. Five litres of kennel disinfectant
 9. Two pieces of a dog harness

4. All the above amounted to a total of Kenya Shillings Three Hundred and Forty -Eight Thousand, One Hundred only (Kshs 348,100.00).
5. The Claimant further avers that the Respondent requested that he trains the Respondent's staff in the handling of the newly supplied dogs for a period of one (1) month which assignment the Claimant agreed to undertake at a cost of Kshs. 50,000.00
6. It is regrettable that the Respondent failed to honor the agreement with the Claimant herein by refusing to pay for the dogs supplied and for the training offered.
7. Upon several follow ups, the Respondent only paid the Claimant Kenya Shillings One Hundred Thousand (Kshs 100,000/-) and remained with a balance of Kenya Shilling Two Hundred and Ninety -Eight Thousand, One Hundred (Kshs 298,100/)
8. The Claimant further reached out to the Respondent through various means to recover the said balance, but, the Responded rudely and adamantly informed the Claimant that he would not pay him the remaining balance.
9. The Claimant being helpless therefore, sought for legal advice, and a Demand Letter dated **11th July 2024** was issued to the Respondent by the Claimant's Advocate.
10. Unfortunately, there was absolutely no any response from the Respondent.
11. The Claimant has therefore been left with no option other than to seek for redress from the Court.
12. It is very true that the Claimant has been psychologically tortured and again he stands to lose all the remaining balance if the court does not come in for his legal redress.
13. The Claimant avers that there being no other suit pending and there have been no previous proceedings in any court between the Claimant and the Respondent over the same subject matter and the cause of action relates to the Claimant named in this claim.
14. That the cause of action arose in Nairobi within the jurisdiction of this Honourable Court.

REASONS WHEREOF the Claimant prays for the following Orders:

1. That the Claimant be paid Kshs 298,100 as particularized in the claim
2. General damages
3. Costs of the claim
4. Any other relief that this Honourable Court may deem fit and just.

DATED at NAIROBI this25thday ofJuly 2024


ASHIOYA MOGIRE & NKATHA ADVOCATES
FOR THE CLAIMANT

<p><u>DRAWN & FILED BY:</u> ASHIOYA MOGIRE & NKATHA ADVOCATES, MAENDELEO HOUSE, MONROVIA STREET, 5TH FLOOR SUITE 508, P.O. BOX 28636-00100- <u>NAIROBI.</u> Email: ashioyamogireadv@gmail.com Contact: 0727079274</p>	<p><u>TO BE SERVED UPON:</u> MOSES MASIKA WETANGULA</p>
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