



**REPUBLIC OF KENYA**

**IN THE SMALL CLAIMS COURT AT LAMU**

**SCC COMM NO. E012 OF 2024.**

**JACOB M'ALAIKE.....**  
**....CLAIMANT**

**-VERSUS-**

**BRUCE WACHA.....**  
**.....RESPONDENT**

**JUDGEMENT.**

**A. INTRODUCTION.**

- 1)** Bruce Wachacha entered into an agreement with the claimant wherein he was to take things on credit from his shop and well as meals in his hotel and would later pay.
- 2)** He did not pay when the debt got to Kshs.200,000/= and this necessitated the filing of this suit.
- 3)** The claim was served but the respondent ignored and/or refused to enter appearance although the claimant informed the court that following the service of the claim, the respondent has so far paid him Kshs.30,000/= in 3 equal instalments and the balance thereof is now Kshs.170,000/= which he now claims.

**B. ANALYSIS AND DETERMINATION.**

- 4)** Since the duration within which the respondent was required to file his response has since lapsed, default judgment pursuant to Section 27 of

the SCC is hereby entered in favour of the claimant as against the respondent.

- 5) The claim is thus allowed in the sum of Kshs.170,000/= together with costs of the claim assessed at an all inclusive sum of Kshs.10,000/=

**CONCLUSION AND DISPOSITION.**

- 6) The upshot of the foregoing I make the following final orders;

a) The claimant is awarded Kshs.170,000/=.

b) The claimant is awarded costs of the claim assessed at Kshs. 10,000/= all inclusive.

c) Let the file be closed forthwith.

- 7) Orders accordingly.

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

**In the presence of:**

Fathiya Loo---C/A

Jacob M'Alaine

**DATED, SIGNED AND DELIVERED AT LAMU SMALL CLAIMS COURT  
THIS....9<sup>TH</sup> .....DAY OF ...October...2024.**

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**HON. FLAVIAN.M. MULAMA  
ADJUDICATOR/RESIDENT MAGISTRATE  
LAMU LAW COURTS  
LAMU**