**REPUBLIC OF KENYA**

**IN THE SMALL CLAIMS COURT AT NAIROBI**

**CLAIM NO. ………………… OF 20..……**

**ABC …………………………………….................................................... CLAIMANT**

**-VERSUS-**

**DEF ....................................................................................... RESPONDENT**

**REQUEST FOR JUDGEMENT**

*(Under Rule 11 (1) of the Small Claims Courts Rules, 2019)*

The Claimant requests for judgment against **…………………………….,** the Respondent herein who has failed to enter appearance and file a Response to the Statement of Claim within the requisite period, despite being served with the Statement of Claim.

This for final judgment for liquidated claim in the sum of **KShs. ……………………..** togetherwith **interest …………………** and **costs** as prayed in the Statement of Claim.

**DATED** at **………………..** this …………….. day of ………………………. 20……...

 ………………………..………………………………….

**ADVOCATES FOR THE CLAIMANT**

**Drawn & Filed By:**

**EXPLANATORY NOTE:**

**What is a Request for Judgment?**

This is a pleading to be used at the Small Claims Court where the Claimant seeks to have the Court enter Judgment in its favour in the event a Respondent fails to file a Response to the Claim within the time specified in these Rules or within such additional time as the Court may have allowed.

**Legal Basis**

The legal basis for filing of a Request for Judgment is provided for under Section 27 of the Small Claims Court Act as read together with Rule 11 (1) of the Small Claims Courts Rules. Section 27 of the Small Claims Court Act provides that if the respondent fails to respond to the claim within the prescribed period, the Court may, either on its own motion or on the claimant’s application enter judgment for the claimant and order the relief sought in the statement of claim. Upon application made by the claimant under subsection (2), the Court shall grant the claimant the order if it is satisfied that the claimant is entitled thereto. However, an order shall not be made against a respondent under this section unless the Court is satisfied that a copy of the written claim and the notice of hearing have been served on the respondent under section 25 of this Act. Rule 11 (1) of the Small Claims Courts Rules provides that where a Respondent fails to file a response to the claim within the time specified in these Rules or within such additional time as the Court may have allowed, the Court shall, on the written request of the Claimant, enter default judgment and issue a decree in favour of the Claimant.

**Legal Grounds/Threshold**

As provide by section 27 of the Small Claims Court Act as read together with Rule 11 (1) of the Small Claims Courts Rules, the grounds to be raised in a Request for Judgment is that a Respondent has failed to file a response to the claim within the time specified in these Rules or within such additional time as the Court may have allowed,

**Remedies/Relief Sought**

As stipulated in the provisions above, the Reliefs sought in a Request for Judgment is that Judgment be entered against the Respondent for failure to respond to the claim within the time specified in these Rules or within such additional time as the Court may have allowed.

**The Processes/Procedure involved**

As a preliminary it is important to take note that the Respondent is at liberty to file the Request for Judgment at any time once the Respondent has filed to respond to the claim within the time specified in these Rules or within such additional time as the Court may have allowed.

The procedure in filing of a Request for Judgment is by uploading a scanned copy of the Request for Judgment onto the Judiciary E-filing Platform and thereafter making the relevant payment of Court filing fees, after which the Request for Judgment will be deemed duly filed.