



**Gitau v Ufundi Sacco Society Limited (Tribunal Case 676 of 2017)  
[2025] KECPT 296 (KLR) (29 May 2025) (Judgment)**

Neutral citation: [2025] KECPT 296 (KLR)

**REPUBLIC OF KENYA  
IN THE COOPERATIVE TRIBUNAL  
TRIBUNAL CASE 676 OF 2017**

**BM KIMEMIA, CHAIR, J MWATSAMA, B SAWE,  
F LOTUIYA, P. GICHUKI & PO AOL, MEMBERS**

**MAY 29, 2025**

**BETWEEN**

**SAMSON NJOROGE GITAU ..... CLAIMANT**

**AND**

**UFUNDI SACCO SOCIETY LIMITED ..... RESPONDENT**

**JUDGMENT**

1. The Claim is instituted vide Statement of Claim dated 22/11/2017. In this Claim, the claimant, a member of the Respondent, member number 4377 alleges that he had savings with the Respondent Sacco with up to June 2017 when he retired.  
He claims for Kshs. 175,280/= with interest among others.
2. The Claimant filed a Witness Statement, undated but received in this Tribunal on 23/11/2017 and documents dated 22/11/2017.
3. The Claimant's case was heard on 17/8/2020 where the Claimant in person adopted his Statement of Claim and documents as his evidence.
4. He stated that his major Claim was for refund of Kshs. 179,280/= plus 2 months deductions after retirement.
5. He stated that he had not been receiving dividends for the house shares. He stated he had 100 shares of Kshs. 200/= each.
6. The Respondent's case is based on the reply to the Statement of Claim dated 18/12/2017 where the Respondent denies that it owes Claimant Kshs. 175,280/= indicating that the Claimant's file is one of those not traced and pleads for more time to authenticate the Claim.



7. The Respondent filed Supporting documents vide bundle dated 2/5/2018. The documents filed are basically citations.
8. The Respondent's case came up for hearing on 13/11/2024 where Mr. Alfonse Makori, the Chief Executive Officer of the Respondent adopted his Affidavit as his evidence in chief.
9. He confirmed that the Claimant was a member of the Respondent and made savings with them. He admitted the Claim amount of Kshs. 175,200/= but stated that no dividends were declared since 2007 due to poor performance.
10. He stated that the Respondent Board is planning to sell their Plaza/house to clear withdrawals.

**Analysis.**

11. We find that the Claim of Kshs. 175,200/= is not denied. Indeed it is admitted by the Chief Executive Officer of the Respondent during the hearing of the Respondent's case on 13/11/2024.
12. We note that the Respondent has attributed the delay in authenticating the claim amount to the Claimant's file being lost.
13. We also note that the Respondent admits not declaring dividends since 2007 due to poor performance hence Claimant is not entitled to dividends.
14. We also observe that this being a 2017 matter, the Claimant deserves justice and cannot wait for the Respondent to look for his file any longer. The custodian of the Claimant's file is the Respondent and therefore the Claimant should not be subjected to further delay of his savings refund.
15. Member's share in a Cooperative are not refundable. They can only be transferred to another member.
16. In view of the above, we find that the Claim has been well prosecuted and thus has merit. On the balance of probability, we enter judgement in favor of the Claimant against the Respondent and order as hereunder:
  - a. Respondent to refund the Claimant Kshs. 175,280/= with costs at Tribunal rate from date of filing suit.
  - b. Prayer b fails.
  - c. Costs to the Claimant.

**JUDGMENT SIGNED, DATED AND DELIVERED VIRTUALLY AT NAIROBI THIS 29<sup>TH</sup> DAY OF MAY, 2025.**

**HON. B. KIMEMIA - CHAIRPERSON SIGNED 29.5.2025**

**HON. J. MWATSAMA - DEPUTY CHAIRPERSON SIGNED 29.5.2025**

**HON. BEATRICE SAWE - MEMBER SIGNED 29.5.2025**

**HON. FRIDAH LOTUIYA - MEMBER SIGNED 29.5.2025**

**HON. PHILIP GICHUKI - MEMBER SIGNED 29.5.2025**

**HON. P. AOL - MEMBER SIGNED 29.5.2025**

Tribunal Clerk Mutai

Ms. Wambui advocate holding brief for Mr. Njuguna advocate for the Claimant.



Ajiambo advocate holding brief for Mr. Muriuki Gitonga advocate for the Respondent

Ajiambo advocate – We seek 30 days stay of execution

Ms. Wambui advocate – They can have stay.

Tribunal order

30 days stay of execution granted.

