



**Kyayumbi v Metropolitan National Sacco Society Limited (Tribunal Case 39/
E024 of 2023) [2025] KECPT 325 (KLR) (Civ) (12 June 2025) (Judgment)**

Neutral citation: [2025] KECPT 325 (KLR)

**REPUBLIC OF KENYA
IN THE COOPERATIVE TRIBUNAL
CIVIL**

TRIBUNAL CASE 39/E024 OF 2023

**JANET MWATSAMA, VICE CHAIR, B SAWE, F LOTUIYA,
P. GICHUKI, M CHESIKAW & PO AOL, MEMBERS**

JUNE 12, 2025

BETWEEN

FESTUS KYAYUMBI CLAIMANT

AND

METROPOLITAN NATIONAL SACCO SOCIETY LIMITED RESPONDENT

JUDGMENT

1. Matter for determination is Statement of Claim dated 16/1/2023 filed on 8/2/2023. The Claimant claims she was member no. 0040003984 of Respondent with accumulated savings of Kshs 72,768.72/=.
2. He states he has been a member of the Respondent for a period exceeding 3 years Despite his intention to withdraw the Respondent has not refunded his savings and his Claim is for:
 - a. Judgment in the sum of Kshs. 72,768.72/=
 - b. Compensation to be determined by the tribunal.
 - c. Costs of this claim.
 - d. Interest on (a), (b) and (c) above from the date of judgment till payment in full.
 - e. Any other appropriate relief.

Claimant filed his Witness statement alongside his List of Documents dated 16/1/2023 which documents include:

- a. Demand letters



- b. Response from the Sacco
 - c. Any other with leave of court.
- 3. Respondent filed a Statement of Defence dated 6/3/2023 where they admitted Claimant was its member no. 62620 operating Fosa A/c No. 0040003984 and made monthly deposits. They however deny receiving the Claimant's withdrawal letter and states in their Defence as per resolution of 2022 Annual General Meeting members resolution to schedule refunds after 2 years due to liquidity challenges facing the Respondent.
- 4. Respondent states Claimant's claim ought to be dismissed with costs. Respondent filed List of Documents dated 6/3/2023 which included:
 - a. Claimant's member statement
 - b. Sacco By Laws
 - c. 2019 and 2022 AGM resolutions.
- 5. The matter being one of refunds, parties were directed to file written submissions and Claimant filed Written submissions on 26.2.2025.
- 6. Respondent as at the date of writing this judgment had not filed their submissions.
- 7. Having considered the pleadings documents filed and Written submissions by parties only one issue is to be determined.

Issue one:

How much is entitled to the Claimant?

- 8. It is not in dispute the membership of the Claimant. Looking into all documents provided what will guide us is the Claimant's Statement of Account which was furnished by the Respondents.
- 9. The Statement of Account is stamped 23/2/2023. It shows the Claimant saved regularly and as at 30/6/2022 the savings and what is owing to Claimant is Kshs. 52,768.72
- 10. The Claimant did not rebut this position despite Claimant's Claim being for Ksh72,768.72. We note the Respondent's showed the share capital as Kshs.20,000/= and as is the position.
Share capital is not refundable.

Upshot

- 11. We are therefore satisfied more so for the Claimant's Statement of Account the amount due to her is Kshs 52,768.72.
- 12. We therefore enter judgment in favour of Claimant against Respondent for Kshs 52,768,72 plus costs and interest.

JUDGMENT SIGNED, DATED AND DELIVERED *VIRTUALLY* AT NAIROBI THIS 12TH DAY OF JUNE, 2025.

HON. J. MWATSAMA DEPUTY CHAIRPERSON SIGNED 12.6.2025

Hon. Beatrice Sawe Member Signed 12.6.2025

Hon. Fridah Lotuiya Member Signed 12.6.2025



Hon. Philip Gichuki Member Signed 12.6.2025

Hon. Michael Chesikaw Member Signed 12.6.2025

Hon. Paul Aol Member Signed 12.6.2025

Tribunal Clerk : J. Mutai

Ashioya Adv for the Claimant.

Metropolitan Sacco- no appearance

Ashioya Advocate -we request for a copy of the judgment.

Tribunal order:

Judgment to be uploaded on CTS within requisite time frame.

Hon. J. Mwatsama Deputy Chairperson Signed 12.6.2025

