

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

CIVIL APPEAL NO. 256 OF 2017

DAVID MBUBA.....1ST APPELLANT

SOLOMON ITULE MBUVI.....2ND APPELLANT

VERSUS

VICTORIA MWONGELI KIMWALU & ANGELINE KATEE NGWILI

(Suing as the legal representatives of the estate of)

PATRICK NDILE MWOLOLO.....RESPONDENTS

DIRECTIONS

1. The trial court awarded Ksh.4,000,000/= for loss of dependency.
2. In the instant appeal, the judgement paragraph 43 the court held that; **“As much as the learned trial magistrate did not cite comparable authorities, my view is that the award for loss of dependency is within acceptable range and I find no basis to disturb it.”**
3. Thus the Ksh.4,000,000/= awarded was not varied by this court and thus award correction as follows –

Damages under loss of dependency - 4,000,000/=

Less damages under Law Reform Act - 120,000/=

Total - 3,880,000/=

Less 20% - 776,000/=

Balance/Award - 3,104,000/= is justified and thus accordingly corrected under section 99 of Cap.21 Laws of Kenya.

4. This court has jurisdiction to correct mathematical errors *suo moto*. Accordingly the award is so corrected.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MAKUENI THIS 31ST DAY OF MAY, 2019.

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C. KARIUKI

JUDGE