



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU
Civil Case 75 of 2000

DANIEL KARERU WAIRIA.....PLAINTIFF

VERSUS

TANFIQ BUS SERVICES.....DEFENDANT

JUDGMENT

The deceased Rose Wanjiru Mutenderu aged 30 years met her death in a traffic Accident on 24/8/2000 at Nithi Bridge along Meru Nairobi Road.

On 19/9/2007 in this court the parties recorded by consent that the defendant liability was admitted on 100%.

It was also agreed that the plaintiff advocate submit on quantum for considering by Counsel for Defendant. The submissions by defendant counsel take objection to the whole suit for the reason that the plaintiff has not obtained a grant of representation to enable him to file suit. This suit was filed on 15/11/2000 but on 18/10/2000a grant was issued to the plaintiff. He is rightful party.

On the issue of pleadings damages the plaint was amended by order of court on 22/10/2001 when the defendants were disclosed and special damages pleaded as Shs.100/= police Abstract and Shs.67,250/= funeral expenses.

Receipt for coffin	-10,000/=
Receipt for funeral announcement	-1,600/=
Receipt for hired vehicle	-15,000/=
Receipt for foodstuffs	- 15,180/=
Receipt for Death Certificate	- 50/=
Receipt for Chuka Morgue	- <u>500/=</u>
	<u>42,730/=</u>

Total Special Damage with receipts amount to Shs.42,830/=. Special damages proved and awarded.

The payslip shows that the Gross Salary was Shs.5080. The statutory deductions amounted to Shs.80/= computer Health and Shs.50/= sports Social. Therefore available cash was Shs.4950/= which she committed to repayments of co-operative loans and other things. Therefore she contributed the 2/3 to her

family and for multiplier assessed by court at 15 years the dependency amount to $\frac{2}{3} \times 4950 \times 12 \times 15$ years = 594,000/=.

There is claim for expectation of life awarded at Shs.100,000/= and loss of consortium assessed at Shs.20,000/=. The damages awarded total Shs.714,000/=. Judgment is entered for plaintiff against the Defendant in the said sum of Shs.756,830/= plus costs and interest and court rates from date of Judgment.

Orders accordingly.

Dated this 21st January, 2008.

J. N. KHAMINWA

JUDGE

21/1/2008

Khaminwa – Judge

Njue – Clerk

M/s Njeru H/B for Muraguri.

J. N. KHAMINWA

JUDGE