



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

CIVIL SUIT 17 OF 1983

LUCY NTIBUKA.....PLAINTIFF

versus

BERNARD MUTWIRI & OTHERS.....DEFENDANT

JUDGMENT OF THE COURT

1. The plaintiff case arises out of a motor traffic accident which occurred on 2/9/1980 along the Meru-Nanyuki road while she was aboard motor vehicle registration number KQB 875.
2. There is no dispute on liability the same having been agreed at 70:30% as against the defendants. Consent on liability as indicated above was filed by the parties on 8/12/2002.
3. The judgment is on quantum only. The plaintiff gave her testimony on 31/7/2006 and told the Court that as a result of the said accident, she sustained:
 - (a) head injuries
 - (b) lacerations on the lateral side of the right eye.
 - (c) Lacerations and cut wound on the left arm (elbow)
4. These injuries were confirmed by Dr Wangai in the medical report dated 27/4/1983 produced in Court as plaintiff exhibit 1. The plaintiff was further examined by Dr. Joab Bodo as per the medical report dated 8/6/1991 by Dr Bodo. The report was produced in Court as plaintiff exhibit 2.

Less 30% contributory negligence Kshs 150,000.00

Kshs 350,000.00

- 10) The plaintiff shall also have interest on general damages from the date of judgment until payment in full.
- 11) I also award costs of the suit to the plaintiff.
- 12) Orders accordingly.

Dated and delivered at Meru this 8th day of February, 2007.

R.N. SITATI

JUDGE

Delivered for and on behalf of Sitati J by Lenaola J

8/2/2007.