



- 1) Further Judgment
- 2) Compliance with the Stamp Duty Act
- 3) Held: Sum awarded: Ksh.552,243.75/- Further medical operation costs Ksh.187,592/-
- 4) Advocates
V. Goswami for the plaintiff; W.J. Kabaiko for 1st and 2nd defendant
S.N. Atambo for 1st and 2nd party

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL CASE NO. 52 OF 2001

DARSHAN SHAH PLAINTIFF

VERSUS

ROOPMAN (K) LIMITED1ST DEFENDANT

HEMAL HARIA 2ND DEFENDANT

AND

THE HON. ATTORNEY GENERAL 1ST THIRD PARTY

JAMES OWINO ODHIAMBO 2ND THIRD PARTY

FURTHER JUDGMENT

Under the Stamp duty Act section 19, in civil cases only, a party wishing to claim expenses paid to him under the Special damages claim and on proof of such claim must have complied with the Stamp Duty Act. The revenue stamp on such receipt should have been issued

Where this has not been complied with by the person issuing the said receipt, section 20 requires that such person do proceed to the collector of stamp duty to assess the penalty required to be paid for failing to comply.

The advocate for the plaintiff on behalf of the plaintiff has duly submitted the receipts for assessment. The receipts tendered are hereby awarded as follows:-

1) Nairobi hospital charges	Ksh. 307,383.50/-
2) Dr. E.N. Ayim	Ksh. 60,000.00/-
3) Metro Pharmacy Drugs	Ksh. 9,340.23/-
4) X-ray Nairobi Hospital	Ksh. 1,200.00/-
5) Dr. Stuart Consultant fee	Ksh. 150,000.00/-

6) Sero Pharm Drugs	Ksh. 3,450.00/-
7) Dr. Sheikh Orthopaedic surgeon	Ksh. 8,000.00/-
8) Physiotherapy	Ksh. 690.00/-
9) Hydrotherapy	Ksh. 8,010.00/-
10) Walking sticks	Ksh. 3,320.00/-
11) Telephone Bills	<u>Ksh. 850.00/-</u>
	<u>Ksh. 552,243.75/-</u>

I award Ksh.187,592.05 for future medical expenses being actual surgery. Total Ksh,739,835.80/-.

I award interest from the date of filing suit on the above claim of Special Damages.

The claim on general damages from date of 10.2.05.

Dated this 19th day of May 2005 at Nairobi.

M.A. ANG'AWA

JUDGE

Sobhag h. Shah and Goswami advocates for the plaintiff

Akide & Co. Advocates for the defendant