



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL CASE NO.386 OF 1993**

JOYCE WATIRI ..... PLAINTIFF  
VERSUS  
JAMES KARIUKI & ANOTHER ..... DEFENDANTS

**J U D G M E N T**

The Plaintiff's claim arises out of a traffic road accident which occurred on the 28th September, 1991 involving a motor vehicle registration number **KAA 520x** in which the Plaintiff was travelling as a lawful fare paying passenger. The Plaintiff told the court that on the material date she boarded the defendant's Mini Bus Registration Number **KAA520x** at Uthiru to Kangemi. She paid **Shs.3/=** when she reached her destination the bus stopped. But when she was alighting the conductor held her while the driver drove away. As a result she fell down and sustained the following injuries.

Fracture on the pelvis; multiple bruises and lacerations and partial disability on the left leg. She was rushed to Kenyatta National Hospital where she was admitted for 5 days, before she was discharged she was attended to by **Dr. Munene P.W.2** who confirmed the injuries and prepared the medical report. She paid him **Shs.1000/=** for which she produced a receipt Exh.1.

The defendant did not offer any evidence in defence. The Plaintiff has proved her case. I now proceed to assess the general damages.

Counsel for the Plaintiff suggested a figure of **Shs.200,000/=** general damages and cited two authorities, which I have considered. Having considered the injuries sustained by the Plaintiff, it is my humble opinion that a figure of **Shs.180,000** would be adequate compensation for the Plaintiff. Special damages were proved at **Shs.1000**.

Accordingly there shall be Judgment for the Plaintiff and against the defendant for **Shs.181,000/=** with costs and interest.

Dated and Delivered at Nairobi this 8th day of February, 2000

**J.L.A OSIEMO**  
**JUDGE**