



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**HIGH COURT CIVIL CASE NO. 2925 OF 1995**

**SILVANUS ARTHUR ODHIAMBO.....PLAINTIFF**  
**-VERSUS-**  
**SPECIAL STEEL MILLS LTD.....DEFENDANT**

**JUDGMENT**

(a) Liability in this case had been agreed between the plaintiff and the defendant as to 80% against the defendant and 20% against the plaintiff. The parties agreed that the only evidence would be Dr. Madhiwalas and Dr. Rashid medical reports. (b) General Damages

The reports show that the plaintiffs received injuries, which resulted in the amputation of the left arm leaving a mere stump. This is a permanent feature, which severely compromised her capacity to do any gainful employment. A number of cases were quoted in support of the damages of Shs.800,000 claimed. I have considered these cases comparing the injuries with the injuries in the case and I find that a figure of Shs.600,000 will be adequate compensation.

(c) Loss of Earning Capacity

The plaintiff was aged 24 years at the time of the accident. He was earning Kshs.1,408 per month. Taking a multiplier of 30 the damages will be  $(30 \times 1,000 \times 12) = \text{Kshs.}120,000$  (d) Cost of artificial arm for this item, I award the plaintiff Shs.250,000

(e) Special damages Shs.1,000/-

There will therefore be judgment for the plaintiff as follows:

- (a) General damages Kshs.600,000
- (b) Loss of future earning Kshs.120,000
- (c) Cost of artificial arm Kshs.250,000
- (d) Special damages Kshs. 1,000

Total Kshs.970,000

Less 20% Kshs.194,000

Kshs.776,000

The plaintiff shall have the costs of the suit and interest. Dated and delivered this 14th day of July, 2000.

**KASANGA MULWA**

**JUDGE**