

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI LAW COURTS)
CIVIL CASE 2481 OF 1997

SAMUEL KIPLANGAT.....
.....PLAINTIFF

-VERSUS-

PETER ONDARI OMAA.....
DEFENDANT

JUDGMENT

Liability has been agreed upon at 100% in favour of the Plaintiff in this case. What is left is the assessment of damages payable. In assessing the damages the Plaintiff relies on the medical reports by the doctors who examined the Plaintiff. There are two reports by Dr. Wambugu who describes the injuries suffered by the Plaintiff as a result of the accident.

The Plaintiff cited two cases in support of his claims. I have considered these two cases being HCCC No. 1051 of 1989 CHARLES NDIRANGU vs. JOHN NDIRITU MGIRU in Nairobi and HCCC No. 209 of 1996 JAMES MACHARIA MUREITHI vs. GEOFFREY GATERI in Nakuru.

Comparing the injuries suffered by the Plaintiff and those in these two cases, I have come to the conclusion that for General Damages a sum of Kshs.600,000/- will be adequate.

For Special Damages the Plaintiff shall be paid shs.1.600/-

There will therefore be judgment for Plaintiffs as follows:

(1) General Damages Kshs.600,000/-

(2) Special Damages Kshs. 1,600/-

Total Kshs.601,600/-

The Plaintiff shall be entitled to the cost of this suit and interest.

Dated and delivered this 27th day of July, 2000.

KASANGA MULWA

JUDGE