



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL CASE NO. 2750 OF 1998**

**RABECA SAVETHI MWANGI.....PLAINTIFF**

**-VERSUS-**

**1. EASTERN BUS SERVICES LTD.....1ST DEFENDANT**

**2. CHRISTOPHER NGARA KAUKO.....2ND DEFENDANT**

**JUDGMENT**

The Plaintiff has sued the Defendant's for general damages following the death of her husband in the road accident on 17.4.1995. The deceased was a paid passenger in the vehicle registration No. KAD 576D a Nissan Matatu when the accident occurred.

The Plaintiff gave evidence that her husband was 36 years old at the time of death. He left Plaintiff with 3 children who are all in school. Deceased was working with African Retail Co. Ltd. In Nairobi with a salary of Shs.10,620/- per month as a Shop Manager. She said that the deceased as supporting the family with 2/3 of his salary. She sued as Administrator of the Estate. From this evidence I find the 2nd Defendant was negligent and was 100% liable for the accident.

Damages

(a) The Plaintiff claims damages under the Fatal Accidents Act. I take a multiplier of 19 years with a multiplicand of Shs.10,620 so the damages payable would be  $10,620 \times 12 \times 19 = \text{Ksh.}2,421,360$

Less 1/3 =Ksh. 807,120 =Ksh.1,614,240

(b) Damages under the Law Reform Act For this item I award Ksh.100,000 (c) For Pain and Suffering I award Ksh.50,000

(d) Special Damages

For funeral expenses Ksh.50,000

There will be judgment for the plaintiff as follows:

(1) Under Fatal Accidents Act = Ksh.1,614,240

(2) Under the Law Reform Act = Ksh. 100,000

(3) Special Damages = Ksh. 50,000

(4) Pain and Suffering = Ksh. 50,000

Total = Ksh.1,814,240

The Plaintiff shall have the costs and interest of the suit.

**Delivered and dated at Nairobi this 25th day of July, 2000.**

**KASANGA MULWA**

**JUDGE**