

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 328 OF 1999**

**SAMWEL KABI ALICE WAMBUI KABI.....PLAINTIFF
-VERSUS-
WILLIAM NJAU KAMAU.....1ST DEFENDANT
JACINTA WANJIRU.....2ND DEFENDANT**

JUDGEMENT

DAMAGES

There is an interlocutory judgment against the defendants, which was entered in default of appearance on 15.10.99. It remains to assess the damages payable. According to the evidence of the plaintiff the deceased died at the age of 29 years. She was earning a salary of Shs.31,100. The plaintiff who was the father of the deceased said that the deceased used to assist him. She was working with multinational oil company. For the purposes of computing the damages, I have taken a multiplier of 15. I take into account that the deceased was not married and therefore she was able to spend a bigger part of her salary in maintaining her parents than if she had her own family for the time she worked and remained unmarried. I have also taken into account that the deceased was likely to get married and therefore diminish her support for the plaintiff.

For general damages I will therefore consider that she was able to spend 2/3 of her salary on the parents. The damages would therefore be $21,067.90 \times 12 \times 5 \times \frac{2}{3} = \text{Ksh.}2,520,040$ I have in arriving at this figure considered the judgment, which were cited to me by the counsel for plaintiff. For loss of expectation of life, I shall award shs.100,000/- For special damages, I award Shs.38,400/-

There will therefore be judgment for the plaintiff for:

- (a) General Damages Shs.2,520,040.00
 - (b) Loss of Expectation of Life Shs. 100,000.00
 - (c) Special damages Shs. 38,400.00
- Total Shs.2,658,440.00

The plaintiff shall be entitled to costs and interests of this suit.

Delivered and dated this 18th day of July, 2000.

KASANGA MULWA

JUDGE