



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL CASE NO. 478 OF 1996**

**MERCY MUTHONI MAINA.....PLAINTIFF  
VERSUS  
TABITHA WANGARI MWAURA & 3 OTHERS.....DEFENDANTS**

**JUDGMENT**

In this case the parties had argued on the issue of liability as 90% against the 1st and second defendants. The only issue for the court to determine was damages payable. Quantum The plaintiff gave evidence that she was the wife of the deceased and that she had taken letters of administration to administer the estate of her late husband. She said that her late husband was working with Safina Ltd as a supervisor earning Shs.5,000/- p.m. They had 4 children, two who were in school but the other two could not continue with school due to lack of money. Her husband was supporting them with Shs.4,000/- per month. He bought her and the children clothes and provided food as she was not working. He was buried in Muranga and they spent Shs.20,000/- on burial. The deceased was aged 35 at the time of his death.

For damages I award :

**(1) Under the Fatal accidents the sum of Shs.725,616/-**

**(2) For loss of Expectation of life Shs.100,000/-**

**(3) For special damages Shs. 20,100/-**

**Sub total Shs.845,716/-**

**Less 10% 84,571/60**

**Total Shs.761,144/40**

In arriving at these figures, I have taken into account cases which were cited in support of the suit. In particular I considered the case HCCC No. 2571 of 1993.

The Plaintiff shall have the cost of this suit together with interest.

Delivered and dated at Nairobi this 14th day of July, 2000.

**JUDGE**