

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 583 OF 1998

WANDIA KUMBI.....PLAINTIFF
-VERSUS-
LOCHAB TRANSPORTERS LTD.....DEFENDANT

JUDGEMENT

The Plaintiff sued as administratrix of the estate of the deceased. She gave evidence. There was agreement on most of the issues except on the General Damages. The Plaintiff being the mother of the deceased. He was not married at the time of his death. In order to arrive at a suitable award, I have taken into account the evidence about the deceased.

The Plaintiff who is the dependant was about 67 years old at the time of the accident. The parties have agreed through the consent order that dependency be 1/3 (one third) of Shs.3,500/- which would give Shs.1,166.70 per month that is Shs.14,000/- annually. Taking the age of the deceased I would take 25 years as the multiplier so that for the lost years I would award the sum of Shs.350,000/-.

For loss of expectation of life I award the sum of Shs.100,000/-.

There will be judgement for the Plaintiff as follows:

- (1) For General Damages Shs.350,000/-
- (2) For loss of Expectation of Life Shs.100,000/-
- (3) For Pain and suffering Shs. 5,000/-
- (4) For Special damages Shs. 925/-

Total Shs. 455,925

The Plaintiff shall have the cost for the suit and interest.

Dated and delivered this 29th day of September, 2000.

KASANGA MULWA

JUDGE