



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
CIVIL SUIT 1331 OF 1997

**JOYCE WAMBUI NDUNGU (Suing as the legal representative of the Eestate of
LAWRENCE K. MACHARIA (deceased).....PLAINTIFF**

-VERSUS-

TAWFIQ BUS SERVICES LTD.....1ST DEFENDANT

A.A. KAWILAND TRANSPORTERS LTD.....2ND DEFENDANT

MOHAMMED GOLO MOHAMED.....3RD DEFENDANT

JUDGEMENT

In this case the 2nd and 3rd Defendants have not filed defence. Judgment against the two defendants was therefore entered on 12.6.2000 before the start of the hearing.

The Plaintiff who is the administratrix of her late husbands estate told the court that her late husband was a passenger in the bus KAB 802X which is owned by the 1st defendant. She also told the court that this bus was involved in the accident as a result of which her husband died. The first defendant filed a defence which amounts to a mere denial. The deceased was aged 40 years. He was a lecturer earning Shs.10,000 per month. He left the wife and 3 children all in school. He used to support the family.

The Plaintiff has cited a number of cases in support of each item claimed. I have considered all these cases and I have taken into account the period in between when these cases were decided and when this accident occurred for the purposes of taking into account the inflationary trend.

For the purposes of computing damages for dependency I adopt a multiplier of 15 years and I have taken that the deceased used to spend 2/3 of his salary on his family.

For expectation of life I award a sum of Shs.100,000

For pain and suffering I award a sum of Shs. 10,000

For special damages Shs.15,000

There will therefore be judgment for the plaintiff as follows:

(a) For loss of dependancy = Shs.1,200,000

(b) For Loss of expectation of life = Shs. 100,000

(c) For Pain and Suffering = Shs. 10,000

Total = Shs.1,310,000

The Plaintiff shall be paid the costs of the suit and interest.

Dated and delivered this 28th day of September, 2000.

KASANGA MULWA

JUDGE