



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL SUIT NO. 1681 OF 1999**

**JAMES GICHURU KIUNJURU )**  
**MARGARET WAMBUI GICHURU )..... PLAINTIFF**  
**-VERSUS-**  
**MAINYO INVESTMENTS LIMITED .....DEFENDANT**

**JUDGEMENT**

Liability:

The Plaintiffs are the parents of the deceased PW1 James Gichuru gave evidence that the deceased was a passenger in the vehicle registration number KAB 494 C. which was involved in accident on 20.11.97. The deceased was a University graduate and teaching awaiting for the results when the accident occurred. He used to help his parents pay school fees. On liability I find the defendant is 100% liable for the accident. QUANTUM

(a) Loss of expectation of life for this claim I award = Shs.100,000

(b) For Pain and Suffering, I award = Shs. 50,000 Taking into account that the deceased died in hospital and did not die on the spot.

(c) Funeral Expenses: For funeral expenses I allow the claim of = Shs. 22,500

(d) Damages under the Fatal Accident Act

The deceased was aged 25 years and his salary per month was Shs.11,390. I shall adopt a multiplier of 30 years. It is assumed that the financial assistance to the parents was 2/3 of his salary. This will translate to  $11390 \times 12 \times 30 \times \frac{2}{3} = \text{Kshs.}273,360$  There will be judgement for the Plaintiff as follows

Loss of Expectation of life Kshs.100,000

Pain and suffering Kshs. 5,000

Special Damages Kshs. 22,500

Loss of Dependency Kshs.2,733,600

Total Kshs.2,861,100

The Plaintiffs shall have the cost of the suit and interests.

**Dated and delivered this 4th day of October, 2000.**

**KASANGA MULWA**

**JUDGE**