



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 2777 OF 1984

PETER M. MBUGUA.....PLAINTIFF
-VERSUS-
MARGARET NJUGUNA
JOEL NDUNGU
WILLIAM NJENGA NGANGA.....DEFENDANT

JUDGEMENT

LIABILITY

The Plaintiff is the father of the deceased and he gave evidence that the motor vehicle registration number KRX 988 is owned by the first defendant and was driven by the 3rd defendant who was the driver of the first defendant. There was an interlocutory judgment entered against the 1st and 3rd defendant when they failed to enter appearance and file defence within the allowed period.

I find and hold that the defendants were wholly liable for the accident.

QUANTUM

Lost years

The Plaintiff said that the deceased was 14 years old at the time of the accident and was in standard 7. Being a young person still in school I award a sum of Shs.500,000/-. In arriving at this figure I have taken into consideration the cases cited by the plaintiff in support.

Loss of Expectation of Life

For this item I award Shs.100,000/-

Pain and Suffering

For this claim I award Shs.10,000/-

For special damages

The Plaintiff did not produce documents to support the claim for funeral expenses. I however accept that he must have incurred expenses in burying the deceased. The figure of shs.4,000/- is not unreasonable.

There will be judgment for the Plaintiff as follows:

- (1) General damages Shs.500,000
- (2) Damages for loss of expectation of life Shs.100,000

(3) Damages for pain and suffering Shs. 10,000

(4) Funeral expenses Shs. 4,000

Total Shs.614,000

The Plaintiff shall have cost of the suit and interest.

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

KASANGA MULWA

JUDGE