

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 1640 OF 1997

SAMSON KAMAU NGAHU..... PLAINTIFF
-VERSUS-
GICHERU MAINA.....DEFENDANT

JUDGEMENT

Liability:

There was an interlocutory judgement entered on 18.11.97 which has not been

QUANTUM The Plaintiff gave evidence that he sustained injuries on both legs. Dr. Costa Mariwa gave evidence which confirmed the injuries suffered by the plaintiff. His report give details of these injuries. The Plaintiff cited three cases in support of his claim for a sum of Shs.500,000/- as General Damages. I have considered the award in this cases and find that the um of shs.400,000 as damages is reasonable.

For loss of earning Plaintiff was earning Shs.250 per day as a casual worker with the Breweries Limited where he worked 6 days a week. He was not able to walk properly up to 1996. In March 2000 is when he got some employment. He was in a wheel chair and crutches up to December 1995. He was not therefore able to work for 29 months. He had therefore lost Shs.116,000/- and I would award this sum.

There will be judgment for the plaintiff as follows:

General Damages

For Pain and Suffering Shs.400,000

Loss of earning Shs.116,000

Special Damages Shs. 61,684

Total Shs. 577,684

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

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

KASANGA MULWA

JUDGE