



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL SUIT NO. 2739 OF 1997**

**JOSEPH GAHURI NYORO.....PLAINTIFF**  
**-VERSUS-**  
**KURIA N. KIMANI AND ANOTHER.....DEFENDANT**

**JUDGEMENT**

The Plaintiff in his evidence narrated how the vehicle KAA 844U a matatu was being driven by the 2nd Defendant. It was over speeding. They were travelling on the Thika Sagana road at at Githurai the driver lost control over the vehicle which overturned.

The Plaintiff was a passenger in the vehicle having paid his fare. He received injuries as a result of the accident.

The plaintiff's evidence pointed to the negligence of the driver of this vehicle. There was no other explanation as to why the vehicle overturned except over speeding and carelessness. The accident was therefore caused by the careless driving by the second defendant who was an employee of the 1st Defendant. The 1st Defendant was therefore vicariously liable.

The Medical report by Dr. Gichora H.K. gives details of the injuries the plaintiff received from the accident. I have also studied the report by Dr. Wokabi. I have also considered the case cited in support of the claim for damages.

I award the sum of Shs.150,000/- for General Damages.

There will be judgment for the plaintiff for the sum of Kshs.150,000 and for Shs.4,620/- as special damages.

The plaintiff shall have the cost of the suit and interest.

**Dated and delivered this 2nd day of October, 2000.**

**KASANGA MULWA**

**JUDGE**