



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI  
Civil Suit 2921 of 1997**

**PAULINE ACHIENG' ANYANGO & ANOTHER.....PLAINTIFF**

**-VERSUS-**

**JOHN MBOGO NJAGI & ANOTHER.....DEFENDANT**

**JUDGEMENT**

**LIABILITY:**

The Plaintiffs have sued the Defendants in their capacities as the Personal Representatives of the Estate of Maurice Onyango Pande. They are asking for damages following a road accident on 6.8.95 when the 2<sup>nd</sup> defendant drove the vehicle registration number KAA 267 so negligently that it fatally knocked the deceased. The defendants having failed to enter appearance and file defence, inter-locutory judgment was entered on 26.1.99.

**QUANTUM**

To prove damages payable the 1<sup>st</sup> Plaintiff gave evidence that the deceased was earning Shs.4,885 p.m. He was a tailor and he was aged 54 years old at the time of death. He left 6 dependants.

Taking into consideration that the deceased was a tailor and he could have worked until the age of 65 years, I would adopt a multiplier of 10 years. I would adopt the 2/3 ratio as representing the support he gave to his family so that for dependancy, it would translate into  $10 \times 12 \times 4885 \times \frac{2}{3} = \text{Shs.}390,000/-$ . For loss of expectation of life, I award the sum of Shs.90,000/- and for pain and suffering I award the sum of Shs.10,000/-

In arriving at these figures, I had taken into consideration the figures awarded in the cases cited during the hearing in support and against the claim.

There will be judgment for the plaintiff as follows:

(1)	For loss of dependance	Shs.390,000
(2)	For Pain and suffering	Shs. 10,000
(3)	For Loss of expectation of life	Shs. 90,000
(4)	For special damages	<u>Shs. 21,800</u>
Total		<u>Shs. 511,800</u>

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

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

**KASANGA MULWA**

**JUDGE**