



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL SUIT NO. 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 2nd 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 1st 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 Shs. 21,800

Total Shs. 511,800

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

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

**KASANGA MULWA**

**JUDGE**