



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI**  
**CIVIL CASE NO. 3741 OF 1987**  
**SILPER OKOKO & MARGARET AWINO.....PLAINTIFFS**  
**-VERSUS**  
**RADIDO & BEN KABAKA.....DEFENDANTS**

**JUDGMENT**

**LIABILITY**

The Plaintiffs have sued the Defendants for special and general damages following an accident on 8th September, 1985. By consent judgement was entered for the plaintiffs on full liability on 25.10.95 before Justice Ringera. The Court is asked to assess damages. QUANTUM

(a) The First Plaintiff

The First Plaintiff sustained the following injuries:

- (a) Complete fracture of the right femur
- (b) Multiple cuts and bruises on both arms and legs
- (c) Deep cut above the upper hip.

As a result, the First Plaintiff has developed scars on the face

and hands and has undergone pain and discomfort. The Plaintiffs'

counsel cited several authorities which I have considered in light of the injuries suffered by the first Plaintiff. I have also taken into account the elements of inflation and lapse of time since those cases were decided. In these circumstances, I consider the sum of Kshs.650,000 as adequate. No special damages were proved therefore, I make no award for special damages. (b) The Second Plaintiff

The Second Plaintiff sustained the following injuries:

- (a) Loss of teeth with bleeding tooth sockets
- (b) Injury to the mouth leading to distortion of the mouth.
- (c) Injury to the face

As a result the Second Plaintiff suffered facial disfigurement resulting in psychological trauma.

The Counsel for the Plaintiff cited several authorities which I have considered by comparing the injuries suffered with injuries suffered by the Second Plaintiff. I have also taken into account the inflation and lapse of time since the cases were decided. I find that in the circumstances the sum of Kshs.700,000 would be adequate compensation. No award is made for special damages as they were not proved nor the police abstract or medical report produced to indicate any expense incurred.

The Second Plaintiff also claims cost of future treatment. But this was not proved. No medical report was produced. I make no award.

There will be judgment for the Plaintiffs as follows:

1. The First Plaintiff shall have Kshs.650,000/- General Damages for pain and suffering

2. The Second Plaintiff shall have Kshs.700,000/- General

Damages for pain and suffering.

The Plaintiffs shall have the costs of the suit and interest.

Dated and delivered this 8th day December, 2000.

KASANGA MULWA

JUDGE