



**Partnership & another v Njuguna & another (Sued as the Administrators  
of the Estate of Beatrice Wairimu – Deceased) (Civil Appeal  
E161 of 2023) [2024] KEHC 8862 (KLR) (Civ) (11 July 2024) (Judgment)**

Neutral citation: [2024] KEHC 8862 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**CIVIL APPEAL E161 OF 2023**

**AB MWAMUYE, J**

**JULY 11, 2024**

**BETWEEN**

**INTEGRATED YMR PARTNERSHIP ..... 1<sup>ST</sup> APPELLANT**

**HENRY OLANDO XAVIER ..... 2<sup>ND</sup> APPELLANT**

**AND**

**EUNICE NJUGUNA ..... 1<sup>ST</sup> RESPONDENT**

**SAMUEL KIARIE ..... 2<sup>ND</sup> RESPONDENT**

**SUED AS THE ADMINISTRATORS OF THE ESTATE OF BEATRICE WAIRIMU  
– DECEASED**

**JUDGMENT**

1. The Appellants have filed this Appeal aggrieved with only one aspect of the Judgment dated 5<sup>th</sup> March, 2021 delivered by the Hon. D.W. Mburu (SPM) in Milimani CM Civil Case No. 565 of 2018; which is the Trial Court’s assessment of the multiplicand and the multiplier for the purposes of the award for loss of dependency.
2. In their written submissions dated 20<sup>th</sup> March, 2024, the Appellants take issue with the base sum of Kes. 35,000.00 per month used by the Trial Court as the multiplicand and they state that the Trial Court should have used the minimum wage applicable at the time of the trial, which was Kes. 17,447.15 per month.
3. The Respondents’ Written Submissions dated 21<sup>st</sup> July, 2023 observe that the Appellants’ position for Kes. 17,447.15 per month was also made before the Trial Court, while they had claimed a figure of Kes. 80,000.00 per month based on the deceased’s Letter of Offer and Appointment dated 1<sup>st</sup> July, 2017.



The Respondents then proceed to inform this Court that the parties consented to the figure of Kes. 35,000.00 when they appeared before the Trial Court on 25<sup>th</sup> January, 2021; a fact I have confirmed from the proceedings included in the Record of Appeal.

4. In their written submissions dated 20<sup>th</sup> March, 2024 the Appellants have cited two cases where the court upheld a multiplier of 15 years for a deceased person aged 43 years, the same age as the deceased in this Appeal at the time of her death, in furtherance of their contention that the multiplier of 17 years applied by the Trial Court was erroneous.
5. In response, the Respondents' Written Submissions dated 21<sup>st</sup> July, 2023 contend that the use of 17 years by the Trial Court was proper, as the deceased would have been expected to work to 60 years.
6. On the issue of the multiplicand, I find that having been subject to a consent between the parties this Court should not interfere with the same since it was an agreement between the parties and it was considered by the Trial Court in its judgment and found to be a fair and reasonable estimate of the deceased's net income.
7. On the issue of the multiplier, I find that the Trial Court's use of 17 years was appropriate as it would have taken the deceased to the standard retirement age of 60 years. The multiplier to be used is not an exact science and authorities can be found that would argue for a greater number of years or a lesser number of years. The Trial Court adopted a reasonable and defensible number of years.
8. Consequently, I find that this Appeal is not merited, and I dismiss the same with costs to the Respondents.

**DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 11<sup>TH</sup> DAY OF JULY, 2024.**

**BAHATI MWAMUYE**

**JUDGE**

In the presence of:

Mr. Mwangi Counsel for the Appellants

Ms. Kisiangani Counsel for the Respondent

Mr. Guyo Court Assistant

