



**Nguyo v Njoroge (Civil Appeal E444 of 2021)
[2024] KEHC 10791 (KLR) (Civ) (19 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10791 (KLR)

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

CIVIL

CIVIL APPEAL E444 OF 2021

JN MULWA, J

SEPTEMBER 19, 2024

BETWEEN

SIMON MURITHI NGUYO APPELLANT

AND

DAVID WANYOIKE NJOROGE RESPONDENT

RULING

On Motion Dated 16/5/2024

1. Judgment in this Appeal was delivered on 22/03/2024 wherein the trial court awarded the Respondent Kshs. 500,000/=general damages.

2. On Appeal this court made a finding that the award of Kshs. 500,000/- was reasonable at paragraph 11 thereof.

However, by mistake and/or unintentional error the court at the said paragraph stated that the trial court's award was Kshs. 700,000/= and proceeded to reduce it to Kshs. 500,000/= while the intention of the court was to uphold the said award.

3. The Applicant by this application dated 16/5/2024 prays that the court to clarify, amend and or confirm the correct award as per it's judgment dated 22/03/2024.

Under Order 45 Rule I of the Civil Procedure Rules, once an error that is apparent on the face of the record is discovered the court may upon application or on own motion proceed to review the same by correction, variation or clarification without going into extensive interrogation.

4. I am satisfied that the application is merited as stated at paragraph 2 above.



I therefore proceed to correct the apparent error as clearly appearing at Paragraph 4 of the application and paragraph 11 of the Judgment dated 22/03/2024 as hereunder highlighted as par 11a, 12 and 13.

11. Having done as expected of an Appellate court, I find the award of Kshs. 700,000/= for the Respondent's injuries to be on the higher side hence must be reduced and re-assessed to a reasonable and fair sum of Kshs. 500,000/=.

a. "The award of general damages of Kshs. 500,000/= awarded by the trial court to the respondent is reasonable and fair. It is upheld.

The award (of Kshs. 500,000/=) shall accrue interest at court rates from the date of the trial court's judgment dated 9/5/2021.

5. As a result of the above orders upon review, and correction of the apparent error, the trial court's judgment having been upheld, the Appellant is condemned to pay costs of the appeal to the Respondent."

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 19TH DAY OF SEPTEMBER, 2024

JANET MULWA

JUDGE

