



REPUBLIC OF KENYA



**Okidi v Fanaka Merchant'S Limited (Civil Appeal E377 of 2021)
[2023] KEHC 18093 (KLR) (2 June 2023) (Assessment)**

Neutral citation: [2023] KEHC 18093 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL APPEAL E377 OF 2021**

AN ONGERI, J

JUNE 2, 2023

BETWEEN

PETER ORWA OKIDI APPELLANT

AND

FANAKA MERCHANT'S LIMITED RESPONDENT

*(Being an appeal from the judgment and decree of Hon. D. M. KIVUTI
(PM) in Milimani CMCC no. 8038 of 2018 delivered on 4/6/2021)*

ASSESSMENT

Assessment of Damages

1. The court delivered a judgment on 5/5/2023 setting aside an award of kshs.700,000 in respect of general damages awarded by the trial court.
2. I have considered the submissions relied upon by both parties.
3. The appellant relied on the case of *Ngure Edward Karegu vs Yusuf Doran Nassir* (2014) e KLR where the plaintiff was awarded 5,000,000 for similar injuries.
4. On loss of future earnings the appellant proposed 4,134,648 worked out as follows $24,611 \times 14 \times 12 = 4,134,648$
5. On the issue of future medical expenses, the appellant proposed kshs.2,000,000/=.
6. The respondent relied on the case of *Njau Nyanjui Thitu & Another vs Lawrence Kimani Nyanjui & 7 others* (2007) e KLR where the plaintiff was awarded general damages of kshs.520,000 for spine injuries.
7. I award general damages and special damages as follows;



- i. General damages for pain & suffering 2,000,000
 - ii. Loss of future earning 4,134,648
 - iii. Future medical expenses 2,000,000
 - iv. Replacement of teeth 70,000
- Total 8,204,648

8. Judgment be and is hereby entered in favour of the appellant against the respondent in the sum of ksh.8,204,648/= together with costs of this suit and interest at court rates from the date of the original judgment (4/6/2021) until payment in full.

9. Orders to issue accordingly.

**DATED, SIGNED AND DELIVERED ONLINE VIA FULL MICROSOFT TEAMS AT NAIROBI
THIS 2ND DAY OF JUNE, 2023.**

.....

A. ONGERI

JUDGE

In the presence of:

..... for the Appellant

..... for the Respondent

