



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

Civil Case 320 of 1998

**CATHERINE WANJIRU KINGORI.....1ST
PLAINTIFF**

CATHERINE WANJIRU (A Minor suing through

**her next friend CATHERINE WANJIRU KINGORI).....2ND
PLAINTIFF**

CHRISTINE WANGARI KINGORI (A Minor suing through

**her next friend and mother CATHERINE WANJIRU KINGORI....3RD
PLAINTIFF**

HERMAN WACHIRA KINGORI(A Minor suing through

**next friend and mother CATHERINE WANJIRU KINGORI.....4TH
PLAINTIFF**

Versus

GIBSON THEURI

GICHUBI.....DEFENDANT

JUDGMENT

Plaintiffs in this case were fare-paying passengers travelling along Nyahururu/Nyeri road on motor vehicle registration No. KZU 371 driven by the Defendant. Evidence is that the Defendant so negligently drove, managed and or controlled the said motor vehicle that he caused or permitted the said motor vehicle to veer off the road and roll over as a result of which the Plaintiffs suffered bodily injuries.

The First Plaintiff suffered injury on the left ankle, injuries on the legs and injuries on the chest.

The Second Plaintiff suffered injury on the back.

The Third Plaintiff suffered injuries, multiple soft tissue injuries, injury on the left elbow joint, and injuries on both ankles.

The Fourth Plaintiff suffered injury on the neck and had headache.

Medico-legal reports were produced in support the Plaintiffs having been treated at various hospitals.

The Defendant did not care to defend himself in this case – which was heard by my learned brother, Hon. Mr. Justice J. V. O. Juma, ex-parte. Submissions were subsequently filed but the learned judge left station before he wrote the judgment and I have been called upon to do it.

I have read the pleadings, the evidence and submissions. I find there is sufficient evidence proving the case for the Plaintiffs against the Defendant. I do therefore enter judgment for the Plaintiffs against the Defendant at the liability of 100% in respect of each Plaintiff against the Defendant. Taking into account the case authorities cited by M/S Kagondu & Mukunya, Advocates for the Plaintiffs, I do hereby order the Defendant pay the Plaintiffs

as follows:-

- 1st Plaintiff: A global sum of Ksh.300,000/=
- 2nd Plaintiff: A global sum of Ksh.100,000/=
- 3rd Plaintiff: A global sum of Ksh.350,000/=
- 4th Plaintiff: A global sum of Ksh.100,000/=

The Defendant to pay costs of the suit to the Plaintiffs.

Dated this 1st day of July, 2005.

J. M. KHAMONI

JUDGE