



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI LAW COURTS)
CIVIL CASE 2469 OF 98

CHARLES KAMIRA MBUGUA PLAINTIFF

VERSUS

STALLION INSURANCE CO. LTD. DEFENDANTS

JUDGMENT

This is a declaratory suit where the plaintiff prays that the court make declaration that the defendant should compensate the plaintiff for bodily injuries he suffered and to satisfy the decree passed in the RMCC 3567/96 on 8.6.98.

The plaintiff has come to court and given evidence on oath.

The defendant failed to enter appearance or file defence on the case.

Interlocutory judgement was duly entered against the defendant on 11.12.98.

The advocate for the plaintiff in his submission and evidence from the plaintiff that the plaintiff had an accident, broke his left leg.

He sued the driver and owner of the vehicle in the subordinate courts.

Judgement was given in his favour. The Insurance company were duly given notice prior to the subordinate court suit being instituted on 5.12.95 (Exh P1).

A decree was obtained from the subordinate court (Exh.P 2) and the Insurance Company gave a discharge voucher to the Plaintiff (Exh.P3) but failed to make payment. I am satisfied that the defendants are bound to compensate the plaintiff. This matter has been pending since 1997. I hereby enter judgement for the plaintiff and make a declaration that the plaintiff be compensated by the defendants for bodily injuries suffered on 25.10.94 to satisfy the decree in RMCC 3567/96 delivered on 8.6.98.

I award costs of this suit.

I also award interest on the decretal amount from the date of judgment of the lower courts at court's rate

till payment in full.

Dated this 22nd day of April, 1999 at Nairobi.

M.A. ANG'AWA

JUDGE