



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**CIVIL CASE NO. 145 OF 1991**

**GEOFFREY NDUNGU NGUGI ..... PLAINTIFF**  
**VERSUS**  
**NJOROGE WAKARURI ..... 1ST DEFENDANT**  
**HON. SAMWEL NGIGI MWAURA ..... 2ND DEFENDANT**  
**PETER MWAURA ..... 3RD DEFENDANT**

**JUDGMENT**

The Plaintiff was injured when the motor vehicle he was travelling in collided with another vehicle on the 20th May 1990. The Defendant did not attend court though the hearing date had been obtained by consent.

On the evidence before me I hold that the Plaintiff has proved his case on the required standard.

The Plaintiff testified that he broke his leg in the accident and was hospitalised for one month at Aga Khan Hospital.

He was examined by Mr. W.M. Wokabi, Consultant Surgeon who recorded that the Plaintiff sustained injuries on the head and right leg. He had lacerations on the head and fracture of right tibia and fibula. The cartilages in the right knee were removed as they were found torn.

The x-ray shows extensive fracture of midshaft and upper one third tibia. There is a step deformity.

I have noted the cases cited by counsel for the Plaintiff and I assess general damages for pain and suffering at Kshs.250,000/=.

I disallow the claim for special damages as the same were not pleaded.

I therefore enter judgement for the Plaintiff against the defendant in the sum of Kshs.250,000/=. The plaintiff shall also have the costs of this suit and interest.

**Delivered this 22nd day of September, 1997.**

**J.V. JUMA**

**JUDGE**