



REPUBLIC OF KENYA
IN THE COURT OF APPEAL OF KENYA
AT NAIROBI
CIVIL APPEAL 135 OF 1994
SHIMBA TOURIST SERVICES LIMITED.....APPELLANT
AND
WILSON MISE KIGANI.....RESPONDENT
(Appeal from the judgment of the High Court of Kenya at Nairobi (Dugdale J)

dated 21st February, 1994

IN

H.C.C.C. NO. 114 OF 1992)

JUDGEMENT OF THE COURT

This is a second appeal from the decision of the Resident Magistrate's Court in Nairobi by which the respondent was awarded Shs.85,000/- as general damages for wrongful dismissal.

The law on the point in issue is well settled. In a claim by an employee against his employer for damages for wrongful dismissal, such damages are limited to the amount the employer would have been obliged to pay if he had brought the contract to an end in accordance with its terms by giving either the proper notice or salary in lieu thereof. General damages are not recoverable.

In the result, this appeal is allowed, the judgment and decree of the Resident Magistrate is set aside and substitute therefor an order dismissing the respondent's claim with costs. The money deposited in African Banking Corporation to be paid out to the appellant.

Dated and delivered at Nairobi this 29th day of September, 1997.

R.O. KWACH

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JUDGE OF APPEAL

A.M. AKIWUMI

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JUDGE OF APPEAL

G.S. PALL

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR