



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI  
CIVIL CASE NO 3836 OF 1983

FATUMA KATILA KYEM.....PLAINTIFF

AND

PETER JOSEPH NDUNGU.....DEFENDANT

JUDGMENT

In view of the evidence adduced by the plaintiff and giving the deceased a lifespan of 60 years, the plaintiff has lost 10 years of assistance by the deceased due to the fatal accident over which the Defendant was held wholly responsible. According to return of service, the Defendant was served with summons to enter appearance herein on 30th May, 1983 but he neither filed appearance nor defence to this suit. Consequent upon non-appearance, request for judgment for special damages was applied for on 23rd June, 1983 and same entered on 14th July, 1988 for shs.4753.

As to general damages, I am not sure the deceased earned shs.5000 per month from crops harvested since I am aware crop harvesting is seasonal. In light of this I would take it either that plaintiff intended saying that the plaintiff earned shs.5000 per season which season I taken to be ½ yearly. This being so the plaintiff would be awarded shs. 5000 x 10 general damages which works up to shs 100,000. Added to this will be special damages of shs 4,753 making a total of shs 104,753 plus interest and costs.

Delivered by me this 17th day of February, 1984.

**D K S AGANYANYA**

**JUDGE**

**17/2/1984**