



**Mwangi & another v Njeri (Civil Appeal E117 of 2024)
[2025] KEHC 13395 (KLR) (Civ) (29 September 2025) (Judgment)**

Neutral citation: [2025] KEHC 13395 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL
CIVIL APPEAL E117 OF 2024**

**LP KASSAN, J
SEPTEMBER 29, 2025**

BETWEEN

STEPHEN MWANGI 1ST APPELLANT

CAROLINE KARIMI 2ND APPELLANT

AND

HENRY THUO NJERI RESPONDENT

*(Being an appeal from the judgment Hon. E.D. DECHE delivered
on 11th December, 2023 in Nairobi SCCC No. E4431 of 2023)*

JUDGMENT

1. This is an appeal from an award of damages in a road traffic accident by the lower Court. I have read the submissions on record and wish to dispose this appeal by noting the following;

Liability

2. The Lower Court finding was that the Appellant was 100% liable. The Police abstract which was produced as an exhibit blamed the Defendant Motor vehicle for causing the accident. This testimony was buttressed by the Respondent and documents produced for further prove. There being no other evidence to challenge the Claimant's testimony, the Trial Magistrate was correct in its finding of liability.

Quantum

3. Dr. Mwaura medical report indicate that the Claimant suffered blunt injuries on the lower jaw, bruises on the left shoulder and leg, loss of lower left premolar tooth and fracture of the left premolar tooth. I



have looked at relevant authorities and noted that the award by the trial magistrate was correct especially the fact the injuries included loss of one tooth and a fracture of the other. It is a fact that a fracture may at a certain time in future lead to removal.

4. The special damages were specifically pleaded and proven. Consequently, I uphold the Lower Court decision.
5. The appeal is dismissed with costs to the respondent.
6. Orders Accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 29TH DAY OF SEPTEMBER, 2025

L. P. KASSAN

JUDGE

In the presence of:

No appearance for Appellant

Masika for Respondents

Court Assistant – Carol.

