



REPUBLIC OF KENYA



KENYA LAW
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Wambugu v Onchomba (Civil Appeal 418 of 2019)
[2025] KEHC 14735 (KLR) (Civ) (30 September 2025) (Judgment)

Neutral citation: [2025] KEHC 14735 (KLR)

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

CIVIL

CIVIL APPEAL 418 OF 2019

LP KASSAN, J

SEPTEMBER 30, 2025

BETWEEN

RAEL WAMBUI WAMBUGU APPELLANT

AND

RONALD NYAKUNDI ONCHOMBA RESPONDENT

(The Appeal herein arises from judgement of the trial court delivered by Hon. M.W Murage (RM) and not Hon. E.K. sui (CM) as inadvertently erroneously indicated in our Appeal documents) on 13th March 2019 in favour of the plaintiff (Respondent herein) in Nairobi CMCC NO. 7728 of 2015, RONALD NYAKUNDI OCHOMBA VS RAEL WAMBUI WAMBUGU)

JUDGMENT

1. This is an appeal of the Lower Court finding on quantum only in a road traffic accident. I have read the rival submissions and the proceedings and wish to note the following;

Special damages

2. The lower Court awarded Ksh. 369 625 under this limp. It is trite clear that specials damages must be pleaded and proven. A cursory look at the proceedings indicate that the only documents without prove of payment is the Police abstract and p3 form which I shall deduct from the Lower Court award of special damages thus the award of special damages is at Ksh. 369 225.

Quantum

3. Both Doctors said that the Plaintiff suffered a fracture of the right thigh. Dr. Wambugu indicated that due to residual shortening of the leg, the Plaintiff would benefit from a shoe heal raise to obviate the



uneven weight distribution axis and awarded the plaintiff permanent disability of 4%. This therefore means that the Plaintiff life will change for ever thus I find the award of Ksh. 800,000 sufficient.

4. The upshot of the above is that the lower Court Judgement upheld. The appeal is dismissed with costs to the Respondent.

5. Orders Accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF SEPTEMBER, 2025

L. P. KASSAN

JUDGE

