



**Abdulahi & 2 others v Mutevu (Civil Appeal E647 of 2023)
[2025] KEHC 16718 (KLR) (Civ) (17 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 16718 (KLR)

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

**CIVIL
CIVIL APPEAL E647 OF 2023**

**LP KASSAN, J
NOVEMBER 17, 2025**

BETWEEN

**ALI ABDULAH I 1ST APPELLANT
HAFID MAALIM IBRAHIM 2ND APPELLANT
ADAN JAMA 3RD APPELLANT**

AND

JONES MUTISYA MUTEVU RESPONDENT

RULING

1. This is an Appeal against an award of damages by the Lower Court for an accident that occurred in a road traffic accident. The only issue is therefore the quantum and to determine this, I shall rely on authorities and medical reports produced.
2. Doctor Adegü who examined the Plaintiff on the 7th day of March 2022 indicated that the Plaintiff suffered fracture on his left femur and fracture on his right tibia/fibular fracture. He awarded decree of permanent incapacitation at 5% and removal of implants at around Ksh 100,000 and noted that the Plaintiff had a chance of developing post traumatic osteoarthritis of the lower limb joints. According to Dr Wokabi report dated the 7th May 2019, the Plaintiff suffered the following injuries;- intertrochanteric fracture of femur- Fracture shaft of left femur- compound fracture of right tibia- Extensive skin loss of right leg- compound fracture if right fibula- Permanent disability of 10%
3. I have considered the injuries sustained by the Plaintiff and compared them with relevant authorities. There is no doubt that with fractures in a both legs, the injuries are very severe. This will significantly affect the life of the Plaintiff because he will have to deal with both injuries. The Plaintiff's capacity to



do heavy jobs is diminished by a big margin. Needless to say, with these fractures, the Plaintiff must have taken long to walk on his feet.

4. The award by the trial Court is not in any way excessive. This Court can only interfere with the Lower Court finding when there is evidence of excessive award. I have noted that the Magistrate did not award future medical expenses in removal of implants which was pleaded. I shall award the Plaintiff Ksh 120000 after reading both medical reports.
5. The upshot of the above is that the decision of the Lower Court is upheld save that the plaintiff is awarded Ksh 120,000 for removal of implants. The Respondent shall have costs of this appeal.

DATED DELIVERED VIRTUALLY AND SIGNED THIS 17TH DAY OF NOVEMBER 2025.

HON L P KASSAN

JUDGE

In the presence of;

Wachira for Applicant

Kaburu for Respondent

Carol – Court Assistant

30 days stay granted.

