

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA NAIROBI**  
**CIVIL APPELLATE DIVISION**  
**HCCA E1335 OF 2024**

**LUCY SEWE .....1<sup>ST</sup>**  
**APPELLANT**

**VERSUS**

**LUCY KACHIRA AWORI ..... 2<sup>ND</sup>**  
**APPELLANT**

**JUDGMENT**

1. This is a claim for damages as a result of injuries sustained from a road traffic accident in which only the plaintiff testified. The only issue for determination in this appeal is therefore on quantum since the Plaintiff in her testimony blamed the Defendant for negligence. The finding by the trial magistrate on liability is therefore upheld.
2. Determination on quantum basically requires the Courts to look at the Plaintiffs testimony and medical reports produced. Dr Wokabi stated that the Plaintiff suffered extensive blunt tissue injury on her left thigh and extensive friction burns on the left thigh. At the time of examination, the Plaintiff experienced pain on her left leg and could not stand for long or able to work. The Doctor added that the plaintiff had extensive deep healing wound covering large areas in the entire outer aspect of the left thigh from the groin to the knee. The report by Doctor Ruga indicates that

the Plaintiff suffered severe harm because of friction burns and bruises on the left thigh. He added that although the injuries had healed, there was disfiguring scars.

3. I have read the relevant authorities and taken into account all relevant factors. First the Plaintiff sustained severe injuries and secondly she has been left with large permanent scars on the left thigh stretching from the groin to the knee. The presence of these scars in her "private areas" will significantly affect her confidence, pride of being a woman, her beauty and most likely her present or future spouse. This however depends on her personality but generally scars in such areas have an impact in people's lives in one way or another.
4. Taking above into account the Lower Court finding is reasonable and covers the Plaintiff's loss of "beauty " that she will have for the rest of her life. The Lower Court decision is upheld. The Respondent shall have costs.

**DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 17<sup>TH</sup> DAY OF NOVEMBER 2025.**

**HON L P KASSAN  
JUDGE**

**In the presence of;**  
Nyambura for Appellant  
Kaburu for Respondent

Carol - Court Assistants

**Stay for 30 days granted.**

ORIGINAL