



REPUBLIC OF KENYA



KENYA LAW
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**Abdi & another v Ibrahim (Civil Appeal E001 of 2025)
[2025] KEHC 17249 (KLR) (20 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17249 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT GARISSA
CIVIL APPEAL E001 OF 2025
JN ONYIEGO, J
NOVEMBER 20, 2025**

BETWEEN

AHMED HUSSEIN ABDI 1ST APPELLANT

GOLDEN COACH LIMITED 2ND APPELLANT

AND

ZAKARIA ABDIRIZAK IBRAHIM RESPONDENT

RULING

1. Pursuant to this court's judgment delivered on 30-09-2025, it was ordered as follows;
 - a. Special damages kshs790,541
 - b. General damages for pain and suffering kshs 1,500,000
 - c. Loss of amenities Kshs 300,000
 - d. Total amount awarded Kshs 2,590,541
 - e. Contributory negligence awarded in the ratio of 80:20 in favour of the respondent
 - f. Amount payable to the respondent kshs2,331,587plus costs before the lower
 - g. No order as to costs for proceedings before the high court.
2. After delivery of the judgment, the appellant filed an application dated3-10-2025 seeking review of judgment to reflect the decretal sum payable as Kshs 2,072,432 (being 80% of 2,590,541) and that interest shall run from the date of the high court's judgment and not the lower court's judgment. The application is basically meant to correct an error in calculation and omission to direct on the period from which interest was to start running. The application is supported by the affidavit of Zakaria Abdirizak thus reiterating the prayers articulated in the application.



3. The respondent filed replying affidavit sworn on 13th October 2025 urging that the 80:20% ratio is only applicable to general damages which is $1,500,000+300,00=1,800,000$ less 20% leaving a net balance of 1,400,00. That the total payable amount should be $1,400,000 +790,541=2,230,541$.
4. I have gone through the application herein and the response thereof. I have also considered parties' submissions. The gist of the application is the prayer for correction of the judgment of this court delivered on 30-9-2025 to reflect; the correct calculation of the decretal sum payable; the correct amount subject to contributory negligence in this case general damages and not special damages and; when should interest start running.
5. Under the slip rule, a court has powers pursuant to section 99 of the [civil procedure Act](#) to amend judgments, orders or decrees under circumstances indicated as follows;

“clerical or arithmetical mistakes in judgments, decrees, or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court either of its own motion or on the application of any of the parties”
6. From the record, there is an obvious arithmetical error in calculating the amount payable to the respondent. To correct the error, the amount reflected in order number 6 should read kshs 2,072, 432 and not Kshs 2,331,587/=.
7. As to whether only general damages ought to have been subjected to contributory negligence, that is a substantive ground of appeal and not a matter to be corrected under the slip rule nor review. As to interest, that was an omission which can be corrected by directing that the same shall run from the date when judgment was delivered before the lower court which is 23-01-2025.
8. Accordingly, the judgment herein is corrected as directed herein above.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 20TH DAY OF NOVEMBER 2025

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J.N.ONYIEGO

JUDGE.

