



**Radheshyam Transport Limited & another v Ndiritu (Civil Appeal
E482 of 2024) [2025] KEHC 17383 (KLR) (Civ) (27 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 17383 (KLR)

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

CIVIL

CIVIL APPEAL E482 OF 2024

LP KASSAN, J

NOVEMBER 27, 2025

BETWEEN

RADHESHYAM TRANSPORT LIMITED 1ST APPELLANT

JAMES OBURU 2ND APPELLANT

AND

HARUN KIMARI NDIRITU RESPONDENT

RULING

1. This is an Appeal in which parties recorded a consent on liability leaving quantum as the main subject of appeal. In considering an Appeal on quantum, the Court must take into account factors such as the evidence on record, authorities and whether the lower Court award was excessive or not- and this is what I am going to consider.
2. Dr Ruga said in his report that the Plaintiff suffered blunt head injury with brief loss of consciousness and fracture of left temporal bone mastoid process. The CT scan of the head showed acute subarachnoid hemorrhage and fracture of left temporal bone mastoid process. He concluded that the injuries were managed conservatively and have healed.
3. On his part Dr Atea Victor listed the Plaintiff's injuries as blunt head injuries with transient loss of consciousness, fractured left temporal bone mastoid process Brain injuries- Acute subarachnoid hemorrhage left Sylvian fissures and temporal convexity. He opined that the Plaintiff was at risk of developing post trauma convulsions. The Plaintiff suffered brain injuries leading to hemorrhage and a fractured skull. These injuries have been described as serious injuries.
4. The main danger that the Plaintiff faces is post trauma convulsions / seizures which is going to significantly affect his life given that the brain controls every part of the body. When the brain is injured,



every part of the body is affected in one way or another. With seizures, the Plaintiff would not be able to do basic things and must be watched closely because of the likelihood of falling into objects. cursory look at the possible repercussion of seizures suggest that it can lead to re bleeding, brain swelling, more serious brain injuries or long term epilepsy.

5. I have seen the award by the lower Court and it is my opinion that it is not excessive. The upshot of the above is that the lower Court decision is upheld. The appeal is dismissed with costs.

DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 27TH DAY OF NOVEMBER 2025.

HON L P KASSAN

JUDGE

In the presence of;

Magito for Appellant

Kimathi for Respondent

Carol – Court Assistant

