



REPUBLIC OF KENYA
IN THE SMALL CLAIMS COURT AT VOI
SC CC NO. E063 OF 2025.

**LUDOVICUS MWANGI
ABDALLAH.....CLAIMANT**

-VERSUS-

**REENAH KENYA LIMITED.....
RESPONDENT**

JUDGEMENT.

INTRODUCTION.

- 1)** By a statement of claim dated 11/9/2025 the claimant prays for the following prayers;
 - a) General damages for pain and suffering.
 - b) Future medical expenses of Kshs.214,000/=
 - c) Special damages of Kshs.3,550/=
 - d) Costs and interests

- 2)** The claimant avers that on or about 26/8/2025 the claimant was a lawful pedestrian along the Mwatate-Voi road and as he approached Voi Girls junction the respondent's driver and/or agent drove and/or managed motor vehicle registration number KBU 568J that was over speeding and it lost control and rammed into motor vehicle registration number KCM 862L from the rear and which in turn was pushed forward and hit the claimant leading to him sustaining soft tissue injuries to his right knee which he holds the respondent wholly liable for.

- 3)** The claimant has pleaded particulars of negligence on the part of the respondent and which in his view led to the occurrence of the accident.

- 4) The matter proceeded by way of documents after parties entered a consent on liability in the ratio of 90:10 in favour of the claimant as against the respondent which consent was adopted by this court.
- 5) I have perused and considered the documents and pleadings as filed as well as the submissions filed herein.

ISSUE FOR DETERMINATION.

- a) **Whether the Respondent is liable for the accident.**
- b) **What is the quantum of damages awardable if any.**
- c) **Who bears costs of the claim.**

ANALYSIS AND DETERMINATION.

a) Whether the respondent is liable for the accident.

- 1) As already stated liability was apportioned in the ratio of 90:10 in favour of the claimant and the same be and is herein adopted as the judgment of the court on liability.

b) What is the quantum of damages awardable if any.

- 2) It is the claimant's case that as a result of the accident he suffered the following injuries; soft tissue injuries to the right knee.
- 3) A perusal of the medical documents and the P3 filed and the medical report dated 29/8/2025 confirm the injuries and opine that the nature of injuries were assessed as soft tissue which resulted to significant physical pain, he was to experience temporary total disability for approximately 2 weeks. The doctor further opined that the injuries will predispose him to post traumatic arthritis of the right knee, gait abnormalities as well as reduced functional capacity and limiting heavy physical work.
- 4) It is trite law that no two cases can be completely similar but it is a settled principle that comparable injuries should attract comparable awards see the case of **Odinga Jacktone Ouma vs Moureen Achieng Odera [2016] eKLR**. The claimant has on his part proposed Kshs.350,000/= as compensation.

5) In the case of [RAZI AMIN KULATEN vs 1.CLAUS KRUGER 2.ROSEMARY NYAKINYUA \[2004\] KEHC 2239 \(KLR\)](#) the high court awarded Kshs.600,000/= for the following injuries and a further Kshs.250,000/= for future medical expenses as advised by the doctor ;

- (1) Fracture of tibia/fibula and patella on the right leg.
- (2) Potts fracture on left ankle.
- (3) Severe strain with rupture of cruciate ligaments (left knee)
- (4) Fracture of metatarsal bone (left foot)

6) In the case of **Sammy Mugo Kinyanjui & Ano.-vs-Kairo Thuo (2017) eKLR**, the Respondent sustained a slight tenderness in the forehead, neck, chest, abdomen, right knee and both legs, fracture of the right tibia, fracture of the left tibia and fibula. The trial court award of Kshs 1,000,000/= was set aside and substituted with Kshs 600,000/=.

7) Having looked at the decided cases, the nature of injuries sustained by the claimant and taking into consideration the effluxion of time and noting that in as much as the injuries related to the knee, in this one there was no fracture, I award the claimant Kshs.300,000/=

8) On special damages, Kshs.3,550/= has been pleaded. That is for medical report and motor vehicle search. The same have been proved by receipts and are allowed as prayed.

9) There is a further prayer for future medical expenses at Kshs.214,000/=. These costs have been explained in details in the medical report and being from a specialist and being reasonable in the circumstances, they have been proved to certain degree of certainty and they are allowed as prayed

c) Who bears costs of the claim?

10)The claimant having been successful in the matter and that costs follow events she is awarded costs of the claim.

CONCLUSION AND DISPOSITION.

11) The upshot of the foregoing I make the following final orders;

a) The claim contained in the statement of claim dated 11th September 2025 is allowed in the following terms.

Liability	90:10
General damages	Kshs.300,000/=
Special damages	Kshs. 3,550/=
Future medical expenses	Kshs.214,000/=
Sub total	Kshs.517,550/=
Less 10% contribution	Kshs.51,755/=
Net Total	<u>Kshs.465,795/=</u>

b) The claimant is awarded costs and interests from the date of judgment until payment in full.

c) Let the file be closed forthwith.

12) Orders accordingly.

DATED, SIGNED AND DELIVERED VIRTUALLY AT VOI SMALL CLAIMS COURT THIS...10thDAY OF ...December...2025

**F.M. MULAMA
ADJUDICATOR/RM**

In the presence of:

Court Assistant:- Fathiya Loo.

Kiwinga for the Claimant.

Mugo for the respondent.