



**Wangunyu v Ramadhani (Civil Appeal E1465 of 2023)
[2026] KEHC 1576 (KLR) (Civ) (16 February 2026) (Judgment)**

Neutral citation: [2026] KEHC 1576 (KLR)

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

CIVIL

CIVIL APPEAL E1465 OF 2023

LP KASSAN, J

FEBRUARY 16, 2026

BETWEEN

MICHAEL KIMANI WANGUNYU APPELLANT

AND

SALIM KIMANI RAMADHANI RESPONDENT

JUDGMENT

1. This appeal emanates from the decision of the lower court that arose as a result of a traffic road accident in which the said court found the appellant liable at 100% and awarded the Respondent Ksh 261,450 as damages. I have read the submissions on record and wish to address the evidence in order to determine the two important issues raised in this appeal:

Liability

2. The claimant and the police blamed the respondent for the accident. The abstract clearly indicates that the respondent's driver was to blame and in fact it was recommended that the driver be charged with driving without care and attention. The main testimony is that the respondent who was a pedestrian was hit off the road and so with no different explanation on the circumstances leading to the accident, this Court upholds liability awarded by the lower court.

Quantum

3. This limb is decided by looking at the injuries sustained and the condition of the plaintiff vis a vis other almost similar cases that establish common law. The respondent sustained the following injuries: - deep cut wounds on the forehead, left shoulder, bruises on the hands, cut wounds on both knees, blunt injuries to the left hip with swelling and bruises, bruises on abdominal wall. Special damages



were proven with documents. This court will only interfere with the lower court award where it finds it excessive. The award by the lower court is commensurate to the injuries sustained and is hereby upheld.

4. In conclusion, this appeal is dismissed with costs.

DATED, DELIVERED VIRTUALLY AND SIGNED ON THIS 16TH DAY OF FEBRUARY 2026.

HON L P KASSAN

JUDGE

In the presence of;

No appearance for Appellant

Mwaniki for Respondent

Carol – Court Assistant

