



**IN THE COURT OF APPEAL**

**AT NAIROBI**

**(CORAM: TUNOI, LAKHA & O'KUBASU, JJ.A.)**

**CIVIL APPEAL NO. 312 OF 2000**

**BETWEEN**

**NEBCO LIMITED .....APPELLANT**

**AND**

**PETER KAMAU KARIBA .....RESPONDENT**

**(Appeal from the Judgment and Decree of the High Court of  
Kenya at Nakuru (Hon. Lady Justice Ondeyo) delivered on**

**18th July, 2000**

**in**

**H.C.C.C. NO. 145 OF 1998)**

**\*\*\*\*\***

**JUDGMENT OF THE COURT**

The appeal relates solely to damages.

The principles on which this Court will interfere with a trial judge's assessment of damages are now well settled: See **Robert Msioki Kitavi v. Coastal Bottlers Ltd . 1985 1 KAR 891**

We are satisfied that the learned trial judge's award is not inordinately high that it must be an erroneous estimate of damages payable to the plaintiff.

We are not persuaded that the learned trial judge erred in principle of otherwise. Accordingly, the appeal fails and it is dismissed with costs.

**Dated and delivered at Nairobi this 10th day of July, 2002.**

**P.K. TUNOI**

.....

**JUDGE OF APPEAL**

**A.A. LAKHA**

.....

**JUDGE OF APPEAL**

**E. O. O'KUBASU**

.....

**JUDGE OF APPEAL**

I certify that this is a true copy of the original.

**DEPUTY REGISTRAR**