



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR
RELATIONS COURT AT MOMBASA
CAUSE NUMBER 919 OF 2016

BETWEEN

SAMSON ODIWUOR OBONYO.....CLAIMANT

VERSUS

INSIGHT MANAGEMENT CONSULTANTS LIMITED.....RESPONDENT

Rika J

Court Assistant: Benjamin Kombe

Stephen Oddiaga & Company Advocates for the Claimant

No appearance for the Respondent

JUDGMENT

1. The Claimant filed his Statement of Claim on 5th December 2016. He states he was an Employee of the Respondent. He was asked by his Employer to clean some water at the factory in Changamwe Mombasa, on 20th July 2016. The water was contaminated with some chemicals or acid. His right foot got burnt in the process of cleaning. He prays for special damages of Kshs. 2,000; General Damages; Compensation; Costs; and Interest.

2. The Respondent did not enter appearance or file any form of Response to the Claimant. There is no challenge to the jurisdiction of the Court in hearing this work injury Claim, as a Court of first instance. There is no legal ground for the Court to decline jurisdiction, the subject matter being a labour and employment issue, between an Employer and an Employee. The Claimant was heard on formal proof on 23rd March 2017. He restated the contents of his Pleadings in his evidence, and produced among other documents a Medical Report prepared by Dr. Ajoni Adede dated 7th September 2016, confirming he suffered chemical burns as a result of a factory accident. He was charged Kshs. 2,000 by the Doctor for the Medical Report. He also relies on Sick Sheets issued to him by the Respondent over the period of the accident.

3. The Court is satisfied that the Claimant has formally proved his case to the required standard. He prays for general damages at Kshs. 250,000 relying on the *High Court Civil Appeal between Umar Shibachi*

Omurunga v. Wildfire Flowers Limited [2012] e-KLR. Omurunga suffered chemical burns and was awarded Kshs. 150,000 in the year 2012.

4. The Claimant did not however support his prayer for an order for adequate compensation. Damages granted are sufficient. He did not in his Submissions show the Court under which legal regime, this prayer for separate adequate compensation, is made.

IT IS ORDERED:-

a) Special Damages allowed at Kshs. 2,000.

b) General Damages allowed at Kshs. 200,000.

c) Costs to the Claimant.

d) Interest granted at 14% per annum from the date of Judgment till payment is made in full.

Dated and delivered at Mombasa this 23rd day of June 2017

James Rika

Judge