

REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATE COURT
AT MOMBASA
CIVIL SUIT NO 1290 OF 2019

JOSHUA MWEMA..... PLAINTIFF
VERSUS
ABDILATIH AHMED SHEIKH..... DEFENDANT

JUDGEMENT

1. The plaintiff case is that at material times to this suit the defendant was the insured and or registered and beneficial owner of motor vehicle registration number KTWB 055 A Bajaj Tuktuk and which was insured in the name of the defendant. The plaintiff avers that on or about the 22/4/2019 he was pushing a hand cart along Mombasa- Malindi Road from Kongowea general direction towards Mombasa town.
2. Upon reaching Nyali Bridge, the defendants driver recklessly and negligently drove the subject motor vehicle thereby hitting the plaintiff from behind and he sustained injuries. The plaintiff blames the defendant for the accident and has attributes to the defendant.
3. The injuries sustained by the plaintiff are as follows
 - Fracture of the right distal femur
 - Soft tissue injuries to the posterior trunk and gluteal area.The plaintiff prays for general damages, special damages which includes future medical treatment. The plaintiff further prays for loss of earning and he says that he earned kshs 750/- per day. He prays for costs and interest of the suit.
4. The defendant entered appearance on the 28/2/2020. On 24/10/2022 the plaintiff amended the plaint and had the