

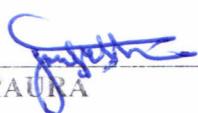
**NEW CLAIM**

## INTER-OFFICE MEMORANDUM

TO: CLAIMS MANAGER – ATT. MR. WARUINGI  
FROM: SNR REGIONAL MANAGER – NYERI  
DATE: MARCH 8, 2006  
SUBJECT: CLAIM NO. IC6/080/000357/2006  
INSURED: CONSOLATA W. KONYU  
ACCIDENT ON 19/02/2006 TO KXK 179

We attach the following documents for your further action:

- Motor claim form
- Vehicle inspection report
- Assessment report
- Assessor's fee note
- Copy of driver's driving licence
- Repair authority
- Copy of insurance certificate
- Copy of proposal form
- Premium schedule

  
JW ICHAURA

/k



The insured has not cleared the premium yet. We have written to her and were waiting for a response.

7  
Invoice

# Invesco Assurance Company Limited



**HEAD OFFICE**  
 Mitchell Cotts House,  
 5th Floor, Wabera Street,  
 P.O. Box 52964-00200  
 NAIROBI, KENYA  
 Tel: 254-2-248243, 248526  
 Fax: 254-2-248514

**MOMBASA BRANCH**  
 Makena House,  
 1st Floor, Nkuruma Road,  
 P.O. Box 3178  
 MOMBASA, KENYA  
 Tel: 254-11-223781, 223343  
 Fax: 254-11-223094

**NAKURU BRANCH**  
 Seguton Building,  
 3rd Floor,  
 P.O. Box 1862  
 NAKURU, KENYA  
 Tel: 254-37-214226, 216026  
 Fax: 254-37-216028

**NYERI BRANCH**  
 Sohan Plaza  
 4th Floor,  
 P.O. Box 468  
 NYERI, KENYA  
 Tel: 254-171-2970, 4585  
 Fax: 254-171-

## MOTOR ACCIDENT REPORT FORM.

### IMPORTANT NOTICE

1. No liability under the policy is admitted by issue of this form
2. Neither Owner nor driver must admit fault or liability for this Accident.
3. Do not answer communications about this Accident, but send them to the Insurers for considerations.
4. All questions on this form must be answered.
5. Repairs must not be authorised without prior authority of the insurers

Ree 02/25/06  
Insurers Claim No.

Brokers Ref. No

<b>POLICY HOLDER</b>	
1.	Name <u>Consolata W. Konyu</u> Tel. No. <u>0722 684376</u>
2.	Address <u>P. O. BOX 26 Kurius</u>
3.	Business / Occupation <u>BUSINESSLADY</u>
<b>POLICY</b>	
4.	Number <u>IN6/080/1/014393/2003/06</u> Expiry Date <u>26/6/06</u>
5.	Name of hire purchase or finance company <u>WOWIE</u>
<b>VEHICLE</b>	
6.	Make & Model <u>Mitsubishi</u> HP/CC <u>3298cc</u> Year of Manufacture <u>1986</u>
7.	Reg. No. of Vehicle <u>KXK 179</u> Carrying Capacity <u>3 Tons</u>
8.	Reg. No. of Trailer <u>WIA</u> Carrying Capacity <u>1/2</u>
9.	Name and Address of Owner <u>M. ME</u>
<b>USE</b>	
10.	State the exact purpose for which the vehicle was being used at the time of the accident  <u>Transporting Tomatoes from kuras to Nairobi</u>

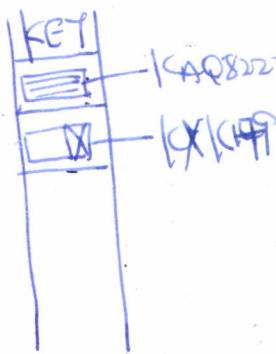
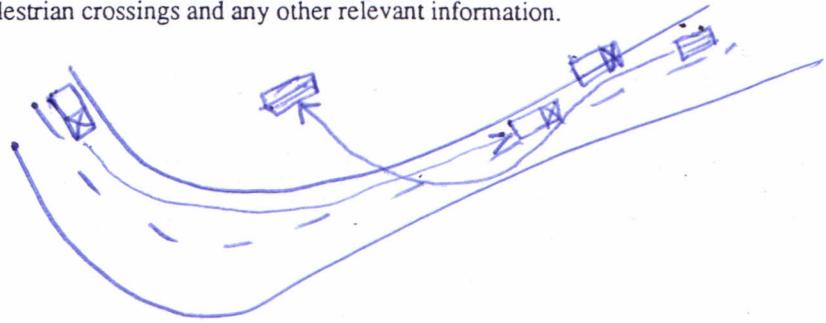
<b><u>COMMERCIAL VEHICLES</u></b>	11. Description of goods being carried ..... <b>TOMATOES.</b>
	12. Name of owner of goods ..... <b>@ MINE -</b> Was a trailer attached .....
<b><u>COMMERCIAL VEHICLES</u></b>	13. Weight of load on (a) Vehicle <b>3 TONS</b> (b) Trailer's <b>NA</b>
<b><u>DRIVER</u></b>	14. Name <b>MR. REUBEN MUTHHEE MUCHEBU</b> Occupation <b>DRIVER</b> Actual Date of Birth <b>5/5/</b>
	15. Address <b>P. O BOX 26 Kurius.</b>
	..... Tel. No. <b>0325-907506.</b>
	16. Is he employed by you? <b>YES.</b>
	17. How long has he been in your service? <b>8 months.</b>
	18. Was he driving with your permission? <b>No</b>
	19. How long has he been driving motor vehicle? <b>Since 1971.</b>
	20. Was he in any way to blame for the accident? <b>No</b>
	21. Did he admit liability? <b>No</b>
	22. Has he had any previous accident? <b>No</b>
	23. If so, how many, and approximate date? <b>NA.</b>
	.....
	24. Has he any conviction for any offence in connection with any motor vehicle or any charges pending? <b>No</b>
	.....
	25. If so, give details including dates <b>NA</b>
	.....
	26. Does he hold a full or provisional license to drive the vehicle? <b>Full driving license</b>
	27. If full, state date when driving test first passed <b>1971. CTC G 4269(BU-60)</b> Number .....
	28. Does he own a Motor Vehicle? <b>No</b> If so, give name and address of Insurer .....
	..... Driver's Policy No. <b>NA</b>

IDENT

	29. Date <u>19/2/06</u> Time <u>10.00 a.m.</u> a.m. / p.m. Place <u>SAGANA TECH School</u>
	30. Type of road Surface <u>TARMAC</u> Visibility <u>Good</u> Wet or Dry? <u>Dry</u>
	31. What lights were showing on your vehicle? <u>Dim LIGHTS.</u>
	32. What warning did your driver give? <u>No.</u>
	33. Estimated speed before accident <u>15 km/hr</u> Weather Conditions <u>Dry</u>
	34. Did Police take particulars? <u>YES</u> If so, give Constable's number and station <u>SAGANA Police Station</u>
	35. To which Police Station was the accident reported?
	36. Attach copy Notice of Intended Prosecution if any

PLAN OF ACCIDENT

37. Draw sketch (stating approximate measurements) showing position of vehicles and persons concerned and the direction in which they were travelling. Also show type and position of the traffic signs, skid marks, pedestrian crossings and any other relevant information.

STATEMENT BY DRIVER

38. I was driving to Nairobi from Lutus when at Segana Technical School an on coming vehicle with its full lights on rammed on to my vehicle damaging its front.

Signature X Omm

STATEMENT  
BY OWNER  
OR POLICY  
HOLDER

39.

SAME AS ABOVE.

DAMAGE TO  
INSURED  
VEHICLE

40.

State briefly apparent damage ..... Front right of my vehicle  
damaged.

In all cases where your vehicle is damaged and you are entitled to claim under your policy, please send at once to the Insurers an estimate for repairs).

41.

Name and address of the garage of my choice: NYAGO SHEDS. — HARROPS  
..... Tel. No. ....

42.

Is the vehicle still in use? no When and where can it be inspected?  
NYAGO Sheds.

OTHER  
VEHICLES  
INVOLVED  
AND  
PROPERTY  
DAMAGED

43.

Name and address of owner	Reg. / No.	Name of Insurer	Other Property damaged
NOT KNOWN	FAO 822 T	NOT known	none

44.

Name and address of driver:

PERSONS  
INJURED

45.

Name and address	Relationship to the Policy holder	If Driver or Passenger Reg. No. of Vehicle	Apparent Injuries
NOT KNOWN NONE	NA	NA	none

INDEPENDENT  
WITNESS

46.

Name	Address
MR. SIMON MUCHOKI	P.O. BOX 26 KUTIA

PASSENGERS  
IN YOUR  
VEHICLE

47.

Name	Address
MR. SIMON MUCHOKI	P.O. Box 26 KUTIA

48.

I DECLARE that these particulars are true and correct and undertake to forward immediately (and unanswered) any correspondence relating to this accident.

Date 6/3/06

Signature of Policyholder X. Tongu

Surname **MUCHERIBULL (MS)**  
Other Names **REUBEN MUTHIE**

**NOT VALID FOR LICENSING** INDIA POLICE

THE TRAFFIC ACT

96X

VEHICLE INSPECTION UNIT

VT NO 809238

Guaranteed upto  
CAQ8227 Loyola

**CERTIFICATE OF EXAMINATION AND TEST OF VEHICLE**

To.

(REGISTERED OWNER) STN. REF. NO.

SLCANA PLS,

19.2.06 (10PM)

DATE

UNDER THE POWERS CONFERRED BY SECTION 105 OF THE TRAFFIC ACT, VEHICLE

NO. LXK179 MAKE MITSUBISHI TYPE 400S WAS ON (DATE) 20.2.06

AT (TIME) 11.50 AM EXAMINED AT (PLACE) IN ENCL AND TESTED BY ME, AND

CERTIFY THAT THE FOLLOWING DEFECTS WERE OBSERVED:

- (1) SPEEDOMETER
- (2) ENGINE/EXHAUST SYSTEM
- (3) GEAR-BOX/TRANSMISSION
- (4) STEERING MECHANISM
- (5) AXLES FRONT/REAR
- (6) SUSPENSION FRONT/REAR

(7) CAB/BODY-WORK

Driver door damaged by  
body panel front door damaged  
by body side door been cleaned

(8) CHASSIS/FRAME

(9) BRAKING SYSTEM (FRONT/REAR)

BRAKE EFFICIENCY TEST RESULTS  
TAPLEY METER

FOOT	40 K.P.H. %	30 K.P.H. %	60 K.P.H. %	Efficiency
				Hand
				Efficiency

(10) ELECTRICAL SYSTEM

FRONT/REAR LAMPS

(11) REFLECTORS AND WARNING SIGNS

(12) ROAD WHEELS

TYRES

O/S FRONT

N/S FRONT

O/S REAR

N/S REAR

O/S REAR

N/S REAR

REMARKS:

No ASR anomaly in gear 1 & 2.  
and pusher in rear wheel.  
No Pre accident defects noted  
Damages caused by accident

You are accordingly warned that the vehicle concerned does not in its present condition comply with the provisions of the Traffic Act.

Prohibition of Use order No.

I (NAME) **V.W.N. JONES**  
of section 3 (3) of the Traffic Act.

Issue (Delete if necessary).

Gazette Notice No.

ORIGINAL to Court.

OPK 6162-1m-11/2006

of 15/1/06

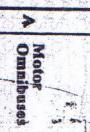
SIGNATURE



SPECIAL CONDITIONS  
(if any)

ORIGINAL

COURT NO. 3



Ref. No.

Page 1

Surname **MUCHERBUI (MR)**  
 Other Names **REUBEN MUTITER**  
 Date of Birth **"OVER 18"**  
 C. of C. No. **4269(BLL-60)**

C 419857



Signature of Licensee

Issued by the Registrar of Motor Vehicles, Nairobi.

Date **1/10/2005**

Signature of Authority

Page 2 Vehicles for which Licence is valid:

A Motor Omnibuses	<input checked="" type="checkbox"/>	B Heavy Commercial Vehicles	<input checked="" type="checkbox"/>
C Commercial Vehicles exceeding 4000 lb. Tareweight	<input checked="" type="checkbox"/>	D Tractors	<input type="checkbox"/>
E Motor Cars & Commercial Vehicles not exceeding 4000 lb. Tareweight	<input checked="" type="checkbox"/>	F Motor Cycles up to 50 c.c. including 50 c.c. capacity	<input type="checkbox"/>
G Motor Cycles over 50 c.c. capacity	<input type="checkbox"/>	H Invalid Carriages	<input type="checkbox"/>
I Special Type (specified)	<input type="checkbox"/>		

See Page 4 for Special Conditions.

Page 3

ORIGINAL

Ref. No.

3466

No. B 0851327

KENYA REVENUE AUTHORITY  
ANNUAL

## Driving Licence

(RENEWAL)

Name **M.R. MUCHEBUI**

Address **Box 66 KELUGOTIA**

is hereby licensed to drive classes of vehicles Authorized by Official Stamp on page 2 until **20/10/2006**, 2006 inclusive Fee of Sh. 500 received.

Date **21/10/2005**

OFFICIAL  
SIGNATURE  
Signature of Authority

Signature of Licensee

GPK 3551-2m Blks-6/2004 (H16)

Page 4

SPECIAL CONDITIONS  
(if any)

Original

GPK 3551-2m Blks-6/2004

07 MAR 2006



CERTIFICATE OF INSURANCE  
No. B 2780506  
CONSOLATA W. KONYU  
Mo. 080/1/014393/2002/  
DURATION  
COMMENCING 06  
DATE 27.6.2005 TIME 0.01HRS

EXPIRING: 26.6.2006

REGISTRATION No. KXK 179 COMP

TONNAGE: THREE TONS

ISSUED BY: INVESCO ASS.CO.LTD

SIGNED: *JL*

COMMERCIAL VEHICLE READ OVERLEAF

31742

CONSOLATA W. KONYU

(2)

IN6108071/014393/2002/06

VXL 179

27/6/05 - 26/6/06

Value - 600,000 =

Mem - 30,000 =

WHR - 1,000 =

PUC(2) - 600 =

63 =

TL -

PF - 79 =

31,742



OUR REF: IC6/080/000357/2006

MARCH 8, 2006

WORKSHOP MANAGER  
NYAYO SHADES GARAGE  
NAIROBI

Dear Sir,

**RE: REPAIR AUTHORITY  
VEHICLE NO. KXK 179  
INSURED: CONSOLATA W. KONYU**

Kindly proceed to repair the above vehicle lying in your garage as per the attached repair estimate not exceeding **Kshs.117,740/-**.

Note that no supplementary estimate will be entertained. The vehicle is subject to **re-inspection** on completion of repairs and the same should not be released without our written authority.

In the meantime note that your repair bill shall be settled after Sixty (60) days from the date of receipt in our offices.

Further do note that all replaced parts must be kept in your safe custody for our eventual collection.

Yours faithfully  
INVESCO ASSURANCE COMPANY LTD.



J W ICHAURA  
SNR REGIONAL MANAGER  
MT. KENYA REGION

Cc      Claims Dept.  
Invesco Assurance Co. Ltd.  
NAIROBI

/lk

1

## QUALITY MOTOR CONSULTANTS

MOTOR LOSS ASSESSORS, MOTOR LOSS ADJUSTERS, MOTOR VALUERS  
P.O. BOX 78880 NAIROBI, TEL: 786203, 785432, 784316, 783351 FAX: 783461 Mobile: 0722 811077, 0722 742380  
EPREN CENTRE 4<sup>TH</sup> FLOOR ROOM 29, OPP. BURU BURU POLICE STATION.

11044

E-mail: qmc@yahoo.com

### FEE NOTE

PROFESSIONAL SERVICES RENDERED..... MOTOR ASSESSMENT.....

INSURANCE COMPANY..... INVESCO ASSURANCE..... DATE..... 22./02./2006.....

INSURED ..... CONSOLATA W. KONYU ..... CLAIM NO.....

REG. NO..... KXX 179 ..... OUR REF:..... IAC/041/2006.....

POLICY NO. ....IN6/080/1/014393/2002/06 PIN No. A001219145P

### PARTICULARS

PROFESSIONAL FEE.....

MILEAGE.....

PHOTOGRAPHS.....

TOTAL.....

16% V.A.T.....

Shs.	Cts.
5,000	00
3,000	00
300	00
8,300	00

9,628 00

# QUALITY MOTOR CONSULTANTS

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EPREN CENTRE 4<sup>TH</sup> FLOOR ROOM 29, OPP. BURU BURU POLICE STATION.

11044

E-mail: qmc@yahoo.com

## FEE NOTE

PROFESSIONAL SERVICES RENDERED..... MOTOR ASSESSMENT.....

INSURANCE COMPANY..... INVESCO ASSURANCE..... DATE..... 22./02./2006.....

INSURED ..... CONSOLATA W. KONYU ..... CLAIM NO.....

REG. NO..... KXX 179 ..... OUR REF:..... IAC/041/2006.....

POLICY NO. .... IN6/080/1/014393/2002/06 PIN No. A001219145P

### PARTICULARS

	Shs.	Cts.
PROFESSIONAL FEE.....	5,000	00
MILEAGE.....	3,000	00
PHOTOGRAPHS.....	300	00
TOTAL.....	8,300	00
16% V.A.T.....	9,628	00

CONSISTENT WITH A HEAVY SIDE SWIPING IMPACT ON RIGHT HAND SIDE AREAS

ACCESSORIES SEEN	ACCESSORIES NOT SEEN
CIGARETTE LIGHTER	JACK
SPARE WHEEL	TOOL KIT
BUILT IN RADIO	
FLOOR MATS	

### REMARKS

We confirm inspecting your insured's vehicle following your instructions. The vehicle appears to have had a heavy side swiping impact which damaged right hand areas as is illustrated by the photographs attached.

The total cost to re-install it nearer to its original condition would be **Kshs. 117,740.00**. The vehicle is therefore repairable and the insured can take it to a garage of her choice.

The most appropriate pre-accident value would be Kshs. 500,000.00.

### MAIN AND VISUAL DAMAGES NOTED

Front bumper bar dented at right hand

Front guard damaged

Front grille cracked at right hand

Front windscreens glass cracked

# QUALITY MOTOR CONSULTANTS

MOTOR LOSS ASSESSORS, MOTOR LOSS ADJUSTERS, MOTOR VALUERS.  
P.O. BOX 78880 NAIROBI, TEL: NO. 786203, 785432, 784316, 783351 FAX: 783461  
EPREN CENTRE 4TH FLOOR ROOM 29, OPP. BURU BURU POLICE STATION.  
E-mail: qmc@yahoo.com

INSURANCE COMPANY.....INVESCO ASSURANCE..... POLICY NO....IN6/080/1/014393/2002/06

INSTRUCTION BY.....LAURA..... DATE.....21/02/2006.....

INSURED.....CONSOLATA W. KONYU..... CLAIM NO.....

VEHICLE REG NO.....KXK 179..... MAKE.....MITSUBISHI CANTER.....

MODEL.....HIGH SIDED STEEL BODY..... INSURED VALUE.....KSH. 600,000.....

REPAIR / SITUATION.....KABURINI..... EXCESS.....

CHASSIS NO..... COLOUR.....YELLOW.....

OUR REF.....TAC/041/2006..... YEAR OF MANUFACTURE.....1986.....

**REPAIRS AUTHORISED  YES / NO  NO**

PRE-ACCIDENT CONDITION

BRAKES.....SERVICEABLE..... PRE-ACCIDENT VALUE.....KSH. 500,000.....

STEERING.....SERVICEABLE..... SALVAGE VALUE.....

PAINT WORK.....FADED SLIGHTLY..... MILEAGE.....373,684.....KM~~XXXXX~~

BODY WORK.....MINOR BODY FILLERS NOTED..... UPHOSTERY..... FAIR.....

TYRES.....FLH 20%WORN FRH 50%WORN RLH 30/30%W RRH 30/30%W SPARE 50%WORN

NATURE OF ACCIDENT

CONSISTENT WITH A HEAVY SIDE SWIPING IMPACT ON RIGHT HAND SIDE AREAS

ACCESSORIES SEEN	ACCESSORIES NOT SEEN
CIGARETTE LIGHTER	JACK
SPARE WHEEL	TOOL KIT
BUILT IN RADIO	
FLOOR MATS	

REMARKS

We confirm inspecting your insured's vehicle following your instructions. The vehicle appears to have had a heavy side swiping impact which damaged right hand areas as is illustrated by the photographs attached.

The total cost to re-install it nearer to its original condition would be **Kshs. 117,740.00**. The vehicle is therefore repairable and the insured can take it to a garage of her choice.

The most appropriate pre-accident value would be Kshs. 500,000.00.

**MAIN AND VISUAL DAMAGES NOTED**

Front bumper bar dented at right hand

Front guard damaged

Front grille cracked at right hand

Front windscreen glass cracked

# QUALITY MOTOR CONSULTANTS

MOTOR LOSS ASSESSORS, MOTOR LOSS ADJUSTERS, MOTOR VALUERS.  
P.O. Box 78880 NAIROBI, Tel: No. 786203, 785432, 784316, 783351 Fax: 783461  
Epren Centre 4th Floor Room 29, Opp. Buru Buru Police Station  
E-mail: qmc@yahoo.com

Our Ref: IAC/041/2006

...2

Right hand headlight cracked  
Right hand bumper bar piece torn  
Right hand fog lights cracked  
Right hand front corner light ripped off  
Right hand front corner panel dented and distorted  
Right hand front corner vane ripped off  
Right hand front mirror cracked  
Right hand front door dented and distorted  
Right hand front door pillar cracked  
Right hand front door hinge bent  
Right hand front door step torn  
Right hand front wheel arch damaged  
Right hand front mudguard damaged  
Rear body dented at right hand  
Right hand front tyre grazed  
Diesel tank grazed  
Front panel dented and distorted

Yours faithfully,

**Silas M. Kangi.**  
**GENERAL MANAGER.**

# **QUALITY MOTOR CONSULTANTS**

MOTOR LOSS ASSESSORS, MOTOR LOSS ADJUSTERS, MOTOR VALUERS.  
P.O. BOX 78880 NAIROBI, TEL: NO.786203, 785432, 784316, 783351 FAX: 783461  
EPREN CENTRE 4TH FLOOR ROOM 29, OPP. BURU BURU POLICE STATION.  
E-mail: [www@curbs.com](mailto:www@curbs.com)

E-mail: qmc@yahoo.com

## **DETAILS OF REPAIR TO BE UNDERTAKEN & ESTIMATE OF REPAIR**

INSURANCE COMPANY..... INVESTEC ASSURANCE..... CLAIM NO.....

INSURED..... CONSOLATA W. KONYU..... REG. NO. KXK 179  
CONSENTED W. KONYU..... IXIX

OUR REF: IAC/041/2006 /POLICY NO. TIN6/080/1/014393/2002/06

Estimate time of Repairs..... **ONE AND HALF** weeks

Subject to availability of spares

**REPAIRS AUTHORISED YES/NO**

APP 16

**ADD 16% V.A.T.**

117-740 00

We..... agree to carry out repairs in accordance with the above Details of Repairs and Estimate and no further charges will be raised or additional repairs carried out unless agreed in writing by the assessor or the insurer concerned.

Keep the replaced parts for a minimum of one month of insurers collection

**VEHICLE WILL NOT BE RELEASED WITHOUT INSTRUCTIONS OF THE INSURER**

### **Signature of Assessors**

**Signature of repairer**

Dated





"WITHOUT PREJUDICE"

OUR REF: IC6/080/000357/2006

MARCH 21, 2006

MANAGER  
CARE INSURANCE AGENCY  
P O BOX 11  
KERUGOYA

Dear Sir,

RE: ACCIDENT ON 19/2/2006 TO KXK 179  
INSURED: CONSOLATA W. KONYU

The above matter refers.

Kindly, but urgently, let us the premium balance of Kshs.58,728/-. Also do let us have the police abstract report.

This will enable us issue a release letter to the garage after repairs.

Yours faithfully  
INVESCO ASSURANCE CO. LTD.



J WICHAARA  
SNR REGIONAL MANAGER  
MT KENYA

Cc CLAIMS MANAGER  
NAIROBI

/lk

R-06

001 ARVADOO DORTMUND UJSARMI

INDOOR NO. NOVEMBER 2012 VOL 36 NO. 11 © 2012 MARY ANN LIEBERT, INC. 10.1089/endo.2012.1814

2011-12 学年第二学期期中考试卷 | 七年级

WAI KUN YUAN ADVERTISING COMPANY

ANSWER: The answer is 1000. The total number of students in the school is 1000.

IVUAD SIVAIYRI SIVIATUVIYI SIVIATUVIYI

[View Details](#)

WILSCO ASSISTANCE

0  
243, 248526, 248354  
7248514

PAYMENT REQUESTION FORM

REQUESTION NO	150/000560/2007/09	REQUESTION DATE	28/09/2007
COST CENTRE	HYATT BRANCH	DEPARTMENT	CLAIMS(150)
TYPE OF PAYMENT	CLAIMS PAYMENT	FINAL SETTLEMENT	0
CLAIMANT		INSURED	CONSOLATA W. KONYU
CLAIM NUMBER	TG60809000357200603	POLICY NUMBER	TN6/080/1/014393/2002/00
DATE REPORTED	06/03/2006	ACCIDENT DATE	19/02/2006
EXCESS RECEIVED	0.00	EXCESS REFERENCE	
OUTSTANDING PREMIUM	0.00	CLAIM RESERVE AMOUNT	100,000.00
COVER PERIOD	27/06/2007 to 26/06/2008	AGENT/BROKER	060/00003 CARK TNS. AGENCY
PLEASE PAY KSHS.	87,740.00		
BY CHEQUE TO	CONSOLATA W. KONYU		

PAYEE BANK A/C: PAYEE BANK NAME: PAYEE BANK BRANCH:

NARRATION: REFUND OF MONIES PAID TO NYAYO AUTO GARAGE..

As Per Their Document(s) Number(s) Attached

DOCUMENT NO	DATE	DESCRIPTION	INVOICE AMOUNT
1131	15-MAR-2007	CLAIM PAYMENT	87,740.00

REQUESTED BY	CHECKED BY	AUTHORISED BY
nduma	28/09/2007	

credit note

premium payment

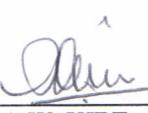
## INTER-OFFICE MEMORANDUM

TO: CLAIMS MANAGER - ATT. MR. WARUINGI  
FROM: BRANCH MANAGER - NYERI  
DATE: OCTOBER 26, 2006  
SUBJECT: CLAIM NO. IC6/080/9/000357/06  
INSURED: CONSOLATA KONYU  
ACCIDENT ON 19/02/2006 TO KXK 179

We enclose the following documents for your perusal and further action:

- Police abstract report
- Satisfaction note
- Repairs receipt for refund

Kindly refund less the applicable policy excess of Kshs.30,000/-.

  
LAURA W. KIBE

/lk



119740  
3000  
Net 89740



ORIGINAL

P. 10A (Revised)

REPUBLIC OF KENYA

THE KENYA POLICE

A 726160

## ABSTRACT FROM POLICE ON A ROAD ACCIDENT

To: The Officer i/c KERICHO Division  
 P.O. Box 19  
KERICHO

Date 7/10/2006

Our Ref.

Police Ref. 726160/179

I/We understand that your Police Station received a report of an accident involving KERICHO 179  
 of (address) BOX 27 KERICHO  
 which occurred on (date) 19/10/06 at (time and place) AT 1145 PM  
ALONI SAGANA - KERICHO ROAD  
 involving vehicle(s) Reg. No. KERICHO 179 Make MITSUBISHI MIRROR  
 and KATR 8221 Make TOYOTA STATION WAGON  
 Name of Police Station where accident reported SAGANA

From the records could you please furnish us with the following information:

1. (a) Name and address of owner of vehicle Reg. No. KATR 8221 TOYOTA STATION WAGON  
JOSEPH K. MINAWIKI BOX 145 SAGANA  
 (b) Name of his Insurance Company INVESTOR ASS CO LTD
2. Has the investigation been completed? Yes/No. (Delete as appropriate)  
 If so, has any one been charged? Yes/No. COMP.
3. If the case is still under investigation is there any likelihood of either party being prosecuted? Yes/No.
4. Nature of charge CAR DRIVING IN A CLASS 49 TRACT
5. Court Case File No. 198176 Traffic Charge Reg. No. 272106
6. Name of Investigating Officer PC 160211
7. Results of investigations or prosecutions (if known) FINE 198176 2000/-  
1/12/2006 2 MONTHS IMPRISONMENT UN 24/12/06
8. Accident Register/OB number 1022-19106 OB6 and date 10/12/2006

Persons Injured Name	Class of Person	Address	Nature of Injury
<u>JOSEPH K. MINAWIKI</u>	<u>DR</u>	<u>BOX 145 SAGANA</u>	<u>SLIGHT</u>
<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

10. Name of Witnesses  
REUBEN MINAWIKI MULTEMBI BOX 60 KERICHO  
PC 160211  
/ /

Date 07/10/2006

(Signed)

SAGANA TRAFFIC  
Officer-in-Charge  
P.O. BOX 19 KERICHO  
DAE

Police Station

11. When completed, this form is to be returned to:  
 Name and address of Insurance Company \_\_\_\_\_

OR

Legal Representative or other interested party stating interest and /or connection with the accident \_\_\_\_\_

Signature of Person/Company  
 Applying for the Abstract

Note.—When applying forward in triplicate to Officer i/c Division.

## MEMORANDUM

1. Police reports, books and records are confidential and privileged and the Commissioner is unable to accede to any request for copies of such documents.

2. In cases of a vehicle accident to which police are called, the Commissioner is generally prepared to furnish to the parties interested, or to their properly authorized legal representatives, an abstract (as overleaf) giving the salient facts of the occurrence as ascertained by the police from their own observation, including the names and addresses of witnesses, on the understanding that the abstract is not, and does not purport to be, an actual copy of a police report. The police cannot accept responsibility for the accuracy of the names and addresses tendered by the parties and witnesses. Except with the consent of the Attorney-General, no abstract will be supplied until police proceedings have been completed.

3. A fee of KSh. 100 or as may be varied by the Commissioner from time to time, will be charged for the abstract. Payment of fees may be made in the form of a crossed Postal Order made payable to the Commissioner of Police.

4. The following particulars will not be supplied:

(a) Details of vehicle tax and driver's licences.

(b) Reference to conversation held at the time of an accident by or between the parties involved, other than statements made to the police.

(c) Expressions of opinion, e.g. as to whether an accident could or could not have been avoided or as to the conditions of any of the drivers or persons involved, or as to estimates of rates of speed of vehicles.

5. *Copies of Statements.*—No copy of a statement made by a party involved or by a witness, shall be given except on application by the person who made the statement or to his properly accredited representative. If an advocate acting for a party applies for a copy of a statement made to the police by a witness, the Commissioner will write to the witness, and if the witness consents, will supply a copy of the statement to the advocate. A fee of KSh. 20 will be charged for the statement.

6. *Plans, Sketches and Photographs.*—Plans, sketches and photographs will not normally be supplied.

7. Where vehicle examination report forms part of the evidence and will be adduced in court as such, the parties concerned may have access to that report through the Court Prosecutor. However, a Vehicle Inspection Report normally prepared after inspection of a motor vehicle, which will not jeopardize the police investigations, will be supplied free of charge to the owner/driver of the motor vehicle as and when requested.

8. No police officer will be permitted to give evidence in civil proceedings unless served with a subpoena.

9. Interviews with any police officer concerned can generally be arranged at an officer's duty station provided that adequate notice is given. If the exigencies of the services require, the interview may be held at such other place as may be convenient to the Commissioner of Police. A fee of KSh. 20 in respect of each officer per interview actually arranged will be charged, unless the police officer is not available for that interview. The interview will take place in the presence of a superior officer to whom the fee should be paid and by whom a receipt will be issued. The proof of evidence may cover statements made to him at the time and place of the occurrence by the party on whose behalf the interview is arranged but shall not include the statements of any party or witnesses. On production of a certificate by an advocate acting for the party that a civil action has been commenced in any court against that party, or after service of a subpoena, an interview can similarly be arranged at which a proof of evidence taken may cover statements made to the police officer at the time and place of the occurrence, by any of the parties to that civil action (including the statements of servants of parties to the action where vehicles were driven by or were in charge of such servants at the time of occurrence). Statements of witnesses may not be included.

CONSULTANT KONYA

*(Signature)*

Yours sincerely

Kindly return my keys  
soonest. I'll call you.

I also paid the garage dues amounting to  
Rs. 117,710/- (See the receipt).

I collected my vehicle on 13/3/06 from NHAI's Shirdi  
Hub Engineers after the same was received by  
my salesperson.

CLAIM NO 1C6108010003571226

RE: ACCIDENT TO KXK 179 ON 19/12/06



Dear Sir

NHED!

P.O. Box 486  
INVESCO ASS. CO. LTD.

THE MINNAGAL

P.O. Box 486

9/1106

KUTUS

P.O. Box 26

CONSULTANT KONYA

1C610801000357106

**AUTO ENGINEERS**

Tel: 760563

General Mechanics, BodyWorks, Panel Beating, Spray Painting,  
Painting, Sign Writing, Springs, Tension, Exhaust Pipes, Silence & Grill  
ing, Electric & Gas Welding, Cushioning, Radiators Repair & Lubrication

Date 15/3/06

M/s Consolate w. Konya

LCK 179

Q.T.Y.	PARTICULARS	@	SH.S.	CTS.
	Sitting Slaves Fuel heating and Spraying		117,740 =	
		117,740/-		
E&O.E	No.	1131	TOTAL	117,740 =

**Goods once sold cannot be re-accepted.**

## **MEMORANDUM**

MR. WARUINGI

ERI

7/06  
ONYU  
TO KXK 179

We enclose the following documents for your perusal and further action:

- Police abstract report
  - Satisfaction note
  - Repairs receipt for refund

Kindly refund less the applicable policy excess of Kshs.30,000/-

LAURA W. KIBE



/lk

119740

30 DN

877AC

net

27/2/2001 *John S. Githinji*  
*Folmar IV - 1.1*

*Bromsgrove Plc*

IN THE HIGH COURT OF KENYA AT NAIROBI

95

~~Def.~~ *Sif. Mr. Salhaan* CIVIL SUIT NO. 2886 OF 1995

JANE NJOKI MURAYA

JEREMIAH MAINA MURAYA ..... PLAINTIFFS

VERSUS

ALICE W. KIMANI

MOSES KANYINGI KINGORI ..... DEFENDANTS

#### JUDGMENT

In this suit the Plaintiff has sued the Defendant for a claim for damages for injuries sustained following a Traffic accident on 7th September 1995. The Plaintiff's were travelling as fair paying passengers aboard the first defendant's motor vehicle registration No. KAC 314 C whilst so travelling along Nairobi Thika road when the said vehicle overturned thereby causing several injuries on the by the negligence of the 2nd Defendant acting as first Defendant's authorised driver. The Defendants in their defence denied, the Plaintiff's allegation, contested the issue of liability and also the claim for damages.. The following issues were submitted for determination by the Court:-

1. Whether the Plaintiffs were passengers in motor vehicle Registration Number KAC 314 C.
2. Whether the accident was caused by the negligence of the Second Defendant.

*3*

3. Whether the accident was caused <sup>and</sup> or contributed to by the negligence of the driver of motor vehicle registration Number KWS 285.
4. Whether the doctrine of RES IPSA LOQUITOR is applicable in this case.
5. Whether the first Defendant is vicariously liable for the acts of the Second Defendant.
6. Whether the plaintiffs sustained injuries as a result of the accident.
7. Whether the Plaintiffs have suffered loss and damage and if so what is the quantum.
8. Whether notice of intention to sue was given.
9. Who shall pay the costs of this suit?

At the hearing of the suit Plaintiff No. 1 Jane Njoki Muraya testified in support of her claim. She testified that she was travelling on 7th September 1994 as a fair paying passenger from Thika to Nairobi she was accompanied by minor son then aged seven years now eleven years of age. The accident happened as the vehicle overturned she was injured in the left shoulder and left hip and her son was injured on the head and his right arm and above the elbow. The son's arms was subsequently amputated. This was the right arm of a right handed person. He was also injured on the chest. He was treated at Thika District Hospital and Gaichanjiru. He was later discharged. The Plaintiff produced a medical card and also the payment receipt for a sum of Shs. 9,730 paid in as Hospital bills. These documents were admitted in evidence as exhibit No. 1.

The witness testified that she cannot now dig as she could before the accident and she is unable to do any hard work. She suffered pain from 1994 to 1999 but the pain has subsided since then. As for the son he is still in pain in the right amputated arm. He was in hospital for treatment for three weeks. He has started school again but he cannot play, run, or hold books as he was doing with his two hands before. He is bewildered.

This witness also produced medical reports made by Dr. Paul Wangai in respect of herself and her son she also produced the receipt of Shs. 7,500/- paid for this report. It was admitted in evidence as exhibit No. 2. A medical report made by Dr. P.N. Wambugu was also produced and admitted in evidence. These reports, I note had not been contested. Dr. Bondo's report was also admitted in evidence as exhibit No. 5. Police abstract and P3 form were also produced and were admitted in evidence as exhibit No. 6. The Police abstract showed that the Plaintiff and her son were travelling by the vehicle in question. Under cross-examination she testified that the vehicle overturned 'I do not know why or how, as she was sitting on the rear of the vehicle with her son'. She became unconscious.

This is the only witness who testified in this case the Defendant did not seek evidence to rebut the Plaintiff evidence.

Both learned Counsel argued their appeal by making their submissions in writing also elucidated the same for the benefit of the Court to determine the issue of liability. I have consequently considered evidence adduced before me, and on the balance of

probability I find that the Plaintiffs were fare paying passengers travelling by the first Defendant's motor vehicle registration No. KAC 314 C which was being driven by first accused in the course of his employment. I find on the totality of the evidence before the Court on the balance of probability, that this accident was caused by the negligence of the second defendant acting as an authorised driver of the first defendant. There is no contributory negligence on the part of the Plaintiffs.

I now proceed to assess the issue of quantum. I have perused the medical report and I have seen the Plaintiff and evidence tendered on their behalf. I have also fully considered the submissions of the Learned Counsel. It is significant that first Plaintiff only testified in court.

She did not exaggerate her injuries or her claim. I was impressed by her demeanour to be fair and precise. The Learned Counsel for the Plaintiff Mr. Newton Mwangi and M/s. Kimani and Kamau counsel for defendants having cited a number of decisions in support of their claim for damages. ~~Messrs Kimani and Kamau relies  
on~~

Mr Newton Mwangi cited

1. Fanny Esilako v. Dorothy Muchene Nrb HCCC 642 of 1991.  
Githinji J. 29/10/93.
2. Charles Maingi Muriithi v. John Muthee Kamau & Anor NBI HCCC.4191 of 1989 Githinji J. 20/2/93.
3. Idi Shabani v.Nairobi City Council (1982-1988) 1 KAR 681 at 685.

99

4. Said Musembi v. Fredrick Koree and Anor. Msa HCCC.354 of 1992  
Wambilyangah J.. 18/5/93.

5. Richard Getuaby Mosime v. John Onyego & Anor. NBI HCCC.3714 of  
1990 Mbogholi Msagha J. November 1992.

M/s Kimani and Kamau cited and relies upon:-

1. HCCC No. 3974 of 1988 - Raphael Mwaniki Kiboi v. Joseph Njogu  
Kinyua

2. HCCC No. 316 of 1989 - Karume Theuri v. Equitor Sawmills Ltd.

3. HCCC No. 585 of 1985 - Fatuma Salim v. Yunis Omar.

*Plaintiff's* ~~Case~~ has urged the Court that a sum of Kshs 200,750/- to be  
awarded to the first Plaintiff and Kshs. 1,050,970/= to the second  
Plaintiff.

The first Plaintiff suffered the following injuries:-

Soft tissue injuries

- to the left shoulder
- left anterior chest wall
- left hip

Dr. Paul Wangai supports these injuries. The Plaintiff  
complain of serious persisting pain. The injuries cited taking  
everything into consideration I award this Plaintiff a sum of Kshs  
150,000/= for pain and suffering.

As for the second Plaintiff who was seven years of age at the  
time of the accident, his injuries were as follows:-

1. Head injury of concussion type
2. Severe burn injury scars on the left scalp and left  
anterior chest wall ant trunk.

3. Crush injury to the right hand requiring above elbow amputation.

These injuries are generally corroborated by the medical reports of Dr. Paul Wangai and the Defendant's Dr. Joab Bodo. The disability is assessed at 70% by Dr. Joab Bodo. This young man has to suffer due to the loss of his arm at a tender age and has to live with this disability throughout his life. This will, no doubt, hinder him in his worldly progress and will cost him loss of amenities in life.

Each case is to be determined in the light of its own peculiar circumstances and needs. No two cases are identical, however, I have answered the issues in this Judgment. The court should not be too generous to be ridiculous or too meagre so as not to meet the need of the victim. This must be done within the range of the decided cases.

I have taken into account the principles enunciated in the wise decisions cited and now proceed to assess the damages in respect of the plaintiffs for pain, sufferings and loss of amenities.

As for the first Plaintiff I assess Shs 150,000/- plus Shs 750/- for medical report.

Consequently there will be Judgment for the first Plaintiff for the sum of Ksh 150,750/= together with costs and interest at court rates. As for the second Plaintiff I assess and make an award as follows:-

(1) General damages Shs 700,000/=.

**101**

(2) Medical report

(i) Shs 750/=

(ii) Medical expenses Shs 40,000/=

(iii) Police abstract Shs 100/=

Shs 40,850/=

Shs 740,850/=

There will be Judgment for the second plaintiff against the Defendants jointly and severally in the sum of Shs700,000/= as general damages and Shs 40,850/= for special damages making in all a sum of Shs 740,850/= together with costs and interest at court rates.

Orders accordingly.

Read and delivered at Nairobi this 7<sup>th</sup> day of February 2001.



SHAIKH M. AMIN

JUDGE

## **M. W. Muli & Co. Advocates**

*Mary Wangui Muli (MRS)*  
Our Ref: MWM/LAC/346/2004  
*Berry Wambugu*  
Your Ref: CC/PE/MAY/15/10

1<sup>st</sup> October 2015

The Advocates Complaints Commission  
Sheria House, 5<sup>TH</sup> Floor  
P.O BOX 48048-00100  
**NAIROBI**

Dear Sir,

REF: KERUGOYA SRMCC NO.493 OF 2004  
JOHNSON KARANI MATHU -VS- CONSOLATA WAMBUI KONYU & ANOTHER

We refer to the above matter and our telephone conversation on 30/9/2015

We confirm that we obtained a judgment in favour of the plaintiff to the tune of Kshs 98,630 inclusive of our costs. We were however not able to secure payment of the same as the relevant Insurance Company M/S INVESCO Insurance Limited was put under Statutory Management. We however did manage to recover Kshs 40,000/= being part payment through Quickline Auctionares.

Since its resumption to do business we have been following up on the payment of the balance but to date we have not been successful. Part of the reason is that the officers we were dealing with left the Company and that there is such a high turnover of staff at the said insurance company which makes continuity an issue.

However with a view to progressing this matter, kindly note that we have contacted our client through Mr. Mwaniki, the plaintiff liaised person and we expect him to come to our offices in the course of next week. We shall propose to make a part payment on the matter in view of the amount recovered herein as we continue our efforts to recover the balance of Kshs 58,630/=

We confirm to keep the plaintiff and yourselves posted of developments.

Yours faithfully,

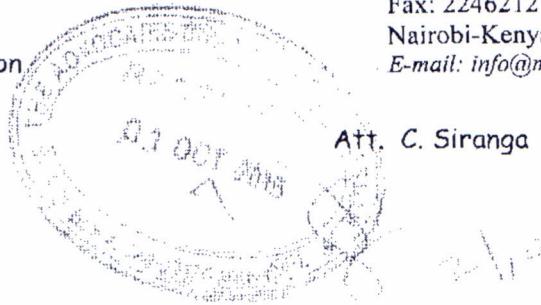
*Muli (Mrs)*

**M. W. MULI & CO. ADVOCATES**

Jubilee Insurance House

2nd Floor, Rm 207, Wabera St.  
P.O. Box 12270 – 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Fax: 2246212  
Nairobi-Kenya  
E-mail: info@mwmuliadvocates.com

Att. C. Siranga



# M.W.Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Dorry Wamugo  
Leah Muithiraniah

MWM/ACC/346/2004

5/4/2018

INVESCO ASSURANCE COMPANY LTD  
BISHOP MAGUA CENTER  
GEORGE PADMORE ROAD  
P.O. BOX 52964 00200  
**NAIROBI**

Jubilee Insurance House  
3<sup>rd</sup> Floor, Rm 322, Wabera St.  
P.O. Box 12270 - 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Fax: 2246212  
Nairobi-Kenya  
E-mail: info@mwmuliadvocates.com



Dear Sirs,

RE: ACCIDENT ON : 26/6/2003  
ALONG : KUTUS SAGANA ROAD  
INVOLVING : KXK 179  
YOUR POLICY NO. : IN6/080/1/014393/2002/00  
OUR CLIENT : JOHNSON KARANI MATHU

The above matter and our letter of 23/3/2018 and the visit to your offices on the said date.

As you will note, you had made partial payment of this claim and there is a balance of Kshs 58,630/. Kind let us have the said cheque to enable us close this matter.

Yours faithfully,

*Mary Wangui Muli (Mrs)*

M.W MULI & CO.ADVOCATES

*Do we review  
- can weJul*

When replying please quote our reference.



**INVESCO ASSURANCE COMPANY LTD**

OUR REF : IC6/080/000133/03  
IC6/084/000027/01

25<sup>th</sup> October 2007

Quickline Auctioneers  
P.O Box 1656  
**EMBU.**

**ATT: MR. KARIITHI**

Dear Sirs,

**RE: SRMCC NOS.44/04 AND SRMCC 299/06 - KERUGOYA  
AGNES WATHERA MWANGI -VS- PETER GICHOVI NJIRU  
LUCY WAMBUI -VS- MAHOYA DRIVING SCHOOL**

We refer to the above matters and our telephone discussion.

We forward herewith our various cheques drawn in favour of M.W. Muli & Co. Advocates being first and second instalments in respect of the two matters. We undertake to pay the respective balances in equal monthly instalments of Kshs.100,000/= with effect from January 2008.

<b>CHQ NO.</b>	<b>AMOUNT</b>	<b>DATE</b>	<b>CASE NO.</b>
1. 621543	116,435/=	08.11.07	SRMCC 299/06
2. 621544	100,000/=	08.12.07	SRMCC 299/06
3. 621545	100,000/=	07.11.07	SRMCC 44/04
4. 621546	100,000/=	08.12.07	SRMCC 44/04

Kindly acknowledge safe receipt.

Yours faithfully,

*Kipkemboi*

**A. NDUMA**  
/gtw

Head Office, 5th Floor, City Plaza, Lenana Road P.O. Box 3086, Nairobi, Kenya. Tel: 020 223781, 246243, 248516, 248713, 248517. Fax: 43514. Nairobi, Kenya.  
5th Floor, City House, P.O. Box 52964 - 00200, Tel: 246243, 248516, 248713, 248517. Fax: 43514. Nairobi, Kenya.  
1st Floor, Matene House, P.O. Box 3778, Tel: 223781, 223843, Fax: 223898. Mombasa.  
3rd Floor, Segaton House, P.O. Box 1656, Tel: 244276, Fax: 244019. Mombasa.  
5th Floor, Sehat Plaza, P.O. Box 486, Tel: 29704565, Fax: 2954, Nairobi.  
5th Floor, Mega Plaza, P.O. Box 1558-40100, Tel: 2629554, Fax: 2624771, Kisumu.  
Email: info@invesco.co.ke

ASSOCIATION OF KENYA INSURERS

ASSOCIATION OF KENYA INSURERS

# M. W. Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Dorry Wamugo

Jubilee Insurance House

2nd Floor, Rm 207, Wabera St.  
P.O. Box 12270 - 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Fax: 2246212, Nairobi-Kenya  
E-mail: info@mwmuliadvocates.com

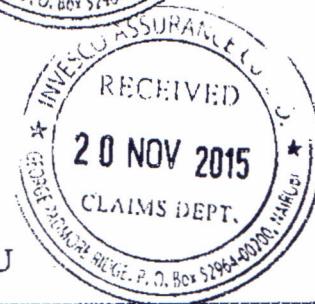
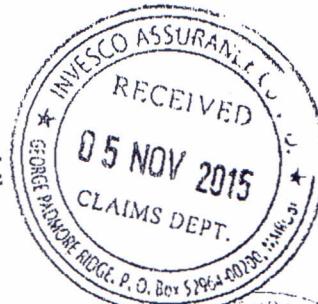
MWM/ACC/346/2004

14<sup>th</sup> October 2015

INVECO ASSURANCE COMPANY LTD  
BISHOP MAGUA CENTER  
GEORGE PADMORE ROAD  
P.O. BOX 52964 00200

Att. Tito

NAIROBI



Dear Sirs,

RE: ACCIDENT ON : 26/6/2003  
ALONG : KUTUS SAGANA ROAD  
INVOLVING : KXK 179  
YOUR POLICY NO. : IN6/080/1/014393/2002/00  
OUR CLIENT : JOHNSON KARANI MATHU

The above matter refers.

We attach a copy of a letter received from your offices, the police abstract and notice of intention to file suit for your information. As you will note, you had made partial payment of this claim and there is a balance of Kshs 58,630/= .Kindly peruse your file and the writer will call you on the matter.

Yours faithfully,

M.W. MULI & CO. ADVOCATES

7/12

When replying please quote our reference.



INVESCO ASSURANCE COMPANY LTD.

Serial No. 3135

Kovuru  
0724 282829  
Mwanza

#### CAVEAT

Please note the following before completing this form:

1. This form does not amount to admission of liability on the part of the company
2. Information solicited is without prejudice to the company's rights under the applicable contract.
3. The company preserves its rights in ongoing court cases in the course of handling your claim
4. Each informant will take personal responsibility for the accuracy correctness of information supplied. Giving of deliberately erroneous, false or misleading statements may lead to prosecution.
5. This form must be returned to Invesco Tumaini Branch within 14 days as announced

#### PART A (COMPULSORY FOR ALL INFORMANTS)

1. Name of Claimant Johnson KARANI MATHY  
2. Claim No 3389990  
3. ID. No KIRINYAGA  
4. Place of Residence P.O BOX 8 KAGIA  
5. Postal Address 22462-12-  
6. Telephone No. /Email Address

#### PART B CLAIM DETAILS (INJURY CLAIMS)

1. Date of Accident 26/6/04  
2. M/V Registration KKL 179  
3. Police Station Reported KERICHO  
4. Hospital of Initial Treatment KIRINYAGA DISTRICT HOSPITAL  
5. Suit No/Place Suits No. 4931 of (KERI Goya)  
6. Name of your Advocate M. M. Muth & Co. Advocates  
7. Amount Awarded/Date 90,630 17/12/07  
8. Amount paid in part Kshs 40,000  
9. Balance of your claim: Kshs 50,630 + last court interest  
10. Signature Date: 15/2/10

#### PART C: MATERIAL DAMAGE CLAIMS ONLY

1. Policy No. ....  
2. Policy Period: From ..... To .....  
3. Name of Agent/Broker .....  
4. Premium Status: Fully paid/Part paid (tick) .....  
5. Excess Status: Paid/Part Paid/Not Paid .....  
6. Date of Issue of Discharge Voucher (D/V) .....  
7. D/V Amount Kshs: .....  
8. Amount Part Paid: .....  
9. Amount Outstanding: .....  
10. Salvage Status: Surrendered/Retained (tick) .....  
11. Name of Garage/Location of Salvage .....

# **M. W. Muli & Co. Advocates**

*Mary Wangui Muli (MRS)*

*Dorry Wamugo*

*Leah Muithiraniah*

*E. Kirimi Muriuki*

Ambassador Court, Block D1  
Jakaya Kikwete Road, Milimani  
P.O. Box 12270 – 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Nairobi-Kenya

OUR REF: MWM/ACC/346/2004

OUR REF: IC6/080/00133/03

11/8/2021

**INVESCO INSURANCE CO. LTD**  
**BISHOP MAGUA CENTER, 3<sup>RD</sup> FLOOR**  
**GEORGE PADMORE LANE, OFF NGONG ROAD**  
**NAIROBI**

Email : fburu@invescoassurance.co.ke

Dear Sir,

**REF: KERUGOYA SRMCC NO.493 OF 2004**

**JOHNSON KARANI MATHU -VS- CONSOLATA WAMBUI KONYU & ANOTHER**

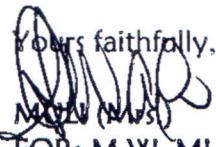
Above matter refers.

- a) Date of accident-26/6/2003
- b) Motor vehicle-KXK 179
- c) Policy number P.NO IN6/080/1/014393/2002/00

Total claim                    Kshs 98,630/=

Amount paid                    Kshs 40,000/=

Balance less interest        Kshs 58,630/=

  
Yours faithfully,  
Mary Wangui Muli

FOR: M.W. MULI & COMPANY ADVOCATES

25/10/2001 *William S. Ogutu Esq*  
*Father & Son Ltd.*

*Bwanazi - PLT*

IN THE HIGH COURT OF KENYA AT NAIROBI

95

~~Def. Mr. Salama~~ CIVIL SUIT NO. 2886 OF 1995

JANE NJOKI MURAYA

JEREIAH MAINA MURAYA ..... PLAINTIFFS

VERSUS

ALICE W. KIMANI

MOSES KANYINGI KINGORI ..... DEFENDANTS

#### **JUDGMENT**

In this suit the Plaintiff has sued the Defendant for a claim for damages for injuries sustained following a Traffic accident on 7th September 1995. The Plaintiff's were travelling as fair paying passengers aboard the first defendant's motor vehicle registration No. KAC 314 C whilst so travelling along Nairobi Thika road when the said vehicle overturned thereby causing several injuries on the by the negligence of the 2nd Defendant acting as first Defendant's authorised driver. The Defendants in their defence denied, the Plaintiff's allegation, contested the issue of liability and also the claim for damages.. The following issues were submitted for determination by the Court:-

1. Whether the Plaintiffs were passengers in motor vehicle Registration Number KAC 314 C.
2. Whether the accident was caused by the negligence of the Second Defendant.

3. Whether the accident was caused <sup>and</sup> or contributed to by the negligence of the driver of motor vehicle registration Number KWS 285.
4. Whether the doctrine of RES IPSA LOQUITOR is applicable in this case.
5. Whether the first Defendant is vicariously liable for the acts of the Second Defendant.
6. Whether the plaintiffs sustained injuries as a result of the accident.
7. Whether the Plaintiffs have suffered loss and damage and if so what is the quantum.
8. Whether notice of intention to sue was given.
9. Who shall pay the costs of this suit?

At the hearing of the suit Plaintiff No. 1 Jane Njoki Muraya testified in support of her claim. She testified that she was travelling on 7th September 1994 as a fair paying passenger from Thika to Nairobi she was accompanied by minor son then aged seven years now eleven years of age. The accident happened as the vehicle overturned she was injured in the left shoulder and left hip and her son was injured on the head and his right arm and above the elbow. The son's arms was subsequently amputated. This was the right arm of a right handed person. He was also injured on the chest. He was treated at Thika District Hospital and Gaichanjiru. He was later discharged. The Plaintiff produced a medical card and also the payment receipt for a sum of Shs. 9,730 paid in as Hospital bills. These documents were admitted in evidence as exhibit No. 1.

The witness testified that she cannot now dig as she could before the accident and she is unable to do any hard work. She suffered pain from 1994 to 1999 but the pain has subsided since then. As for the son he is still in pain in the right amputated arm. He was in hospital for treatment for three weeks. He has started school again but he cannot play, run, or hold books as he was doing with his two hands before. He is bewildered.

This witness also produced medical reports made by Dr. Paul Wangai in respect of herself and her son she also produced the receipt of Shs. 7,500/- paid for this report. It was admitted in evidence as exhibit No. 2. A medical report made by Dr. P.N. Wambugu was also produced and admitted in evidence. These reports, I note had not been contested. Dr. Bondo's report was also admitted in evidence as exhibit No. 5. Police abstract and P3 form were also produced and were admitted in evidence as exhibit No. 6. The Police abstract showed that the Plaintiff and her son were travelling by the vehicle in question. Under cross-examination she testified that the vehicle overturned 'I do not know why or how, as she was sitting on the rear of the vehicle with her son'. She became unconscious.

This is the only witness who testified in this case the Defendant did not seek evidence to rebut the Plaintiff evidence.

Both learned Counsel argued their appeal by making their submissions in writing also elucidated the same for the benefit of the Court to determine the issue of liability. I have consequently considered evidence adduced before me, and on the balance of

probability I find that the Plaintiffs were fare paying passengers travelling by the first Defendant's motor vehicle registration No. KAC 314 C which was being driven by first accused in the course of his employment. I find on the totality of the evidence before the Court on the balance of probability, that this accident was caused by the negligence of the second defendant acting as an authorised driver of the first defendant. There is no contributory negligence on the part of the Plaintiffs.

I now proceed to assess the issue of quantum. I have perused the medical report and I have seen the Plaintiff and evidence tendered on their behalf. I have also fully considered the submissions of the Learned Counsel. It is significant that first Plaintiff only testified in court.

She did not exaggerate her injuries or her claim. I was impressed by her demeanour to be fair and precise. The Learned Counsel for the Plaintiff Mr. Newton Mwangi and M/s. Kimani and Kamau counsel for defendants having cited a number of decisions in support of their claim for damages. Messrs Kimani and Kamau v. ~~et al.~~

~~OB~~  
Mr Newton Mwangi cited

1. Fanny Esilako v. Dorothy Muchene Nrb HCCC 642 of 1991.  
Githinji J. 29/10/93.
2. Charles Maingi Muriithi v. John Muthee Kamau & Anor NBI  
HCCC.4191 of 1989 Githinji J. 20/2/93.
3. Idi Shabani v. Nairobi City Council (1982-1988) 1 KAR 681 at  
685.

99

4. Said Musembi v. Fredrick Koree and Anor. Msa HCCC.354 of 1992 Wambilyangah J.. 18/5/93.
5. Richard Getuaby Mosime v. John Onyego & Anor. NBI HCCC.3714 of 1990 Mbogholi Msagha J. November 1992.  
M/s Kimani and Kamau cited and relies upon:-
  1. HCCC No. 3974 of 1988 - Raphael Mwaniki Kiboi v. Joseph Njogu Kinyua
  2. HCCC No. 316 of 1989 - Karume Theuri v. Equitor Sawmills Ltd.
  3. HCCC No. 585 of 1985 - Fatuma Salim v. Yunis Omar.

*Plaintiff's Counsel* has urged the Court that a sum of Kshs 200,750/- to be awarded to the first Plaintiff and Kshs. 1,050,970/= to the second Plaintiff.

The first Plaintiff suffered the following injuries:-

Soft tissue injuries

- to the left shoulder
- left anterior chest wall
- left hip

Dr. Paul Wangai supports these injuries. The Plaintiff complain of serious persisting pain. The injuries cited taking everything into consideration I award this Plaintiff a sum of Kshs 150,000/= for pain and suffering.

As for the second Plaintiff who was seven years of age at the time of the accident, his injuries were as follows:-

1. Head injury of concussion type
2. Severe burn injury scars on the left scalp and left anterior chest wall ant trunk.

3. Crush injury to the right hand requiring above elbow amputation.

These injuries are generally corroborated by the medical reports of Dr. Paul Wangai and the Defendant's Dr. Joab Bodo. The disability is assessed at 70% by Dr. Joab Bodo. This young man has to suffer due to the loss of his arm at a tender age and has to live with this disability throughout his life. This will, no doubt, hinder him in his worldly progress and will cost him loss of amenities in life.

Each case is to be determined in the light of its own peculiar circumstances and needs. No two cases are identical, however, I have answered the issues in this Judgment. The court should not be too generous to be ridiculous or too meagre so as not to meet the need of the victim. This must be done within the range of the decided cases.

I have taken into account the principles enunciated in the wise decisions cited and now proceed to assess the damages in respect of the plaintiffs for pain, sufferings and loss of amenities.

As for the first Plaintiff I assess Shs 150,000/- plus Shs 750/- for medical report.

Consequently there will be Judgment for the first Plaintiff for the sum of Ksh 150,750/= together with costs and interest at court rates. As for the second Plaintiff I assess and make an award as follows:-

(1) General damages Shs 700,000/=.

## (2) Medical report

(i) Shs 750/=

(ii) Medical expenses Shs 40,000/=

(iii) Police abstract Shs 100/=

Shs 40,850/=

Shs 740,850/=

There will be Judgment for the second plaintiff against the Defendants jointly and severally in the sum of Shs700,000/= as general damages and Shs 40,850/= for special damages making in all a sum of Shs 740,850/= together with costs and interest at court rates.

Orders accordingly.

Read and delivered at Nairobi this 7.7.2001.

  
SHAIKH M. AMIN

JUDGE

## M. W. Muli & Co. Advocates

*Mary Wangui Muli (MRS)*  
Our Ref: MWM/ACC/346/2004  
~~Our Ref: MWM/ACC/346/2004~~  
Your Ref: CC/PE/MAY/15/10

1<sup>st</sup> October 2015

The Advocates Complaints Commission  
Sheria House, 5<sup>TH</sup> Floor  
P.O BOX 48048-00100  
**NAIROBI**

Jubilee Insurance House

2nd Floor, Rm 207, Wabera St.

P.O. Box 12270 - 00400

Nairobi

Tel: 2246212

Mobile: 0728922600

Fax: 2246212

Nairobi-Kenya

E-mail: info@mwmuliadvocates.com

Att. C. Siranga

Dear Sir,

REF: KERUGOYA SRMCC NO.493 OF 2004  
JOHNSON KARANI MATHU -VS- CONSOLATA WAMBUI KONYU & ANOTHER

We refer to the above matter and our telephone conversation on 30/9/2015

We confirm that we obtained a judgment in favour of the plaintiff to the tune of Kshs 98,630 inclusive of our costs. We were however not able to secure payment of the same as the relevant Insurance Company M/S INVESCO Insurance Limited was put under Statutory Management. We however did manage to recover Kshs 40,000/= being part payment through Quickline Auctionares.

Since its resumption to do business we have been following up on the payment of the balance but to date we have not been successful. Part of the reason is that the officers we were dealing with left the Company and that there is such a high turnover of staff at the said insurance company which makes continuity an issue.

However with a view to progressing this matter, kindly note that we have contacted our client through Mr. Mwaniki, the plaintiff liaised person and we expect him to come to our offices in the course of next week. We shall propose to make a part payment on the matter in view of the amount recovered herein as we continue our efforts to recover the balance of Kshs 58,630/=

We confirm to keep the plaintiff and yourselves posted of developments.

Yours faithfully,

*Muli (Mrs)*

**M. W. MULI & CO. ADVOCATES**

When replying please quote our reference.

# M.W.Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Dorry Wamugo  
Leah Muithiraniah

MWM/ACC/346/2004

5/4/2018

INVESCO ASSURANCE COMPANY LTD  
BISHOP MAGUA CENTER  
GEORGE PADMORE ROAD  
P.O. BOX 52964 00200  
NAIROBI

Jubilee Insurance House  
3<sup>rd</sup> Floor, Rm 322, Wabera St.  
P.O. Box 12270 - 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Fax: 2246212  
Nairobi-Kenya  
E-mail: info@mwmuliadvocates.com



Dear Sirs,

RE: ACCIDENT ON : 26/6/2003  
ALONG : KUTUS SAGANA ROAD  
INVOLVING : KXK 179  
YOUR POLICY NO. : IN6/080/1/014393/2002/00  
OUR CLIENT : JOHNSON KARANI MATHU

The above matter and our letter of 23/3/2018 and the visit to your offices on the said date .

As you will note, you had made partial payment of this claim and there is a balance of Kshs 58,630/. Kind let us have the said cheque to enable us close this matter.

Yours faithfully,

M.W MULI & CO.ADVOCATES

*Due to  
review  
- can we Jul*

When replying please quote our reference.



**INVESCO  
INVESCO ASSURANCE COMPANY LTD**

OUR REF : IC6/080/000133/03  
IC6/084/000027/01

25<sup>th</sup> October 2007

Quickline Auctioneers  
P.O Box 1656  
**EMBU.**

**ATT: MR. KARIITHI**

Dear Sirs,

**RE: SRMCC NOS.44/04 AND SRMCC 299/06 - KERUGOYA  
AGNES WAITHERA MWANGI -VS- PETER GICHOVI NJIRU  
LUCY WAMBUI -VS- MAHOYA DRIVING SCHOOL**

We refer to the above matters and our telephone discussion.

We forward herewith our various cheques drawn in favour of M.W. Muli & Co. Advocates being first and second instalments in respect of the two matters. We undertake to pay the respective balances in equal monthly instalments of Kshs.100,000/= with effect from January 2008.

<b>CHQ NO.</b>	<b>AMOUNT</b>	<b>DATE</b>	<b>CASE NO</b>
1. 621543	116,435/=	08.11.07	SRMCC 299/06
2. 621544	100,000/=	08.12.07	SRMCC 299/06
3. 621545	100,000/=	07.11.07	SRMCC 44/04
4. 621546	100,000/=	08.12.07	SRMCC 44/04

Kindly acknowledge safe receipt.

Yours faithfully,

*A. NDUMA*  
/gtw



Head Office, 5th Floor, CPS Plaza, Lenana Road P.O. Box 31077-10000, Nairobi, Kenya  
5th Floor, City House, P.O. Box 52944 - 00100, Tel: 246245, 2488216, 246718, 248231, Fax: 24514, Nairobi, Kenya  
1st Floor, Makung House, P.O. Box 3778, Tel: 223781, 2238342, Fax: 223894, Nairobi  
2nd Floor, Segaton House, P.O. Box 4882, Tel: 215226, Fax: 216019, Nairobi  
4th Floor, Sechan Plaza, P.O. Box 19704583, Fax: 4794, Nairobi  
4th Floor, Mega Plaza, P.O. Box 1638-40100, Tel: 2629554, Fax: 2629714, Nairobi  
Email: info@invesco.co.ke

# M. W. Muli & Co. Advocates

*Mary Wangui Muli (MRS)*  
*Dorry Wamugo*

MWM/ACC/346/2004

Jubilee Insurance House

2nd Floor, Rm 207, Wabera St.

P.O. Box 12270 - 00400

Nairobi

Tel: 2246212

Mobile: 0728922600

Fax: 2246212 , Nairobi-Kenya

E-mail: info@mwmuliadvocates.com

14<sup>th</sup> October 2015

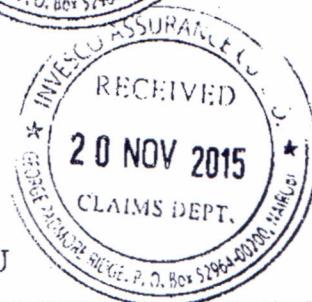
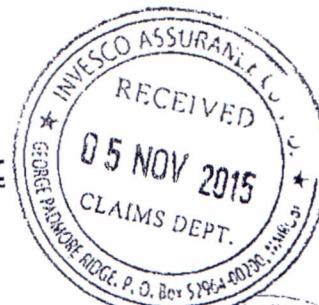
INVESCO ASSURANCE COMPANY LTD  
BISHOP MAGUA CENTER  
GEORGE PADMORE ROAD  
P.O. BOX 52964 00200

Att. Tito

NAIROBI

Dear Sirs,

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ALONG	:	KUTUS SAGANA ROAD
INVOLVING	:	KXK 179
YOUR POLICY NO.	:	IN6/080/1/014393/2002/00
OUR CLIENT	:	JOHNSON KARANI MATHU



The above matter refers.

We attach a copy of a letter received from your offices, the police abstract and notice of intention to file suit for your information. As you will note, you had made partial payment of this claim and there is a balance of Kshs 58,630/= .Kindly peruse your file and the writer will call you on the matter.

Yours faithfully,

  
M.W. MULI & CO.ADVOCATES

7/12

When replying please quote our reference.



INVESCO ASSURANCE COMPANY LTD.

Serial No. 3135

**CAVEAT**

Please note the following before completing this form:

1. This form does not amount to admission of liability on the part of the company
2. Information solicited is without prejudice to the company's rights under the applicable contract.
3. The company preserves its rights in ongoing court cases in the course of handling your claim
4. Each informant will take personal responsibility for the accuracy correctness of information supplied. Giving of deliberately erroneous, false or misleading statements may lead to prosecution.
5. This form must be returned to Invesco Tumaini Branch within 14 days as announced

*Kovuru  
0724782829  
Mwamki*

**PART A (COMPULSORY FOR ALL INFORMANTS)**

1. Name of Claimant JOHNSON KIRIANGI MA THY  
2. Claim No. \_\_\_\_\_  
3. ID. No. 3389990  
4. Place of Residence KIRIANGA  
5. Postal Address P O BOX 6 KAGIO  
6. Telephone No. /Email Address 22462-12

**PART B CLAIM DETAILS (INJURY CLAIMS)**

1. Date of Accident 26/6/04  
2. M/V Registration KKK 179  
3. Police Station Reported KERIANGA  
4. Hospital of Initial Treatment KIRIANGA DISTRICT HOSPITAL  
5. Suit No/Place SUITE NO. 493104 (KERIANGA)  
6. Name of your Advocate M. W. MULI & CO. ATTORNEYS  
7. Amount Awarded/Date 98,630 17/12/07  
8. Amount paid in part Kshs 40,000  
9. Balance of your claim: Kshs. 58,630 a/c last audit interest  
10. Signature [Signature] Date: 15/2/10

**PART C: MATERIAL DAMAGE CLAIMS ONLY**

1. Policy No. \_\_\_\_\_  
2. Policy Period: From \_\_\_\_\_ To \_\_\_\_\_  
3. Name of Agent/Broker \_\_\_\_\_  
4. Premium Status: Fully paid/Part paid (tick) \_\_\_\_\_  
5. Excess Status: Paid/Part Paid/Not Paid \_\_\_\_\_  
6. Date of Issue of Discharge Voucher (D/V) \_\_\_\_\_  
7. D/V Amount Kshs: \_\_\_\_\_  
8. Amount Part Paid: \_\_\_\_\_  
9. Amount Outstanding: \_\_\_\_\_  
10. Salvage Status: Surrendered/Retained (tick) \_\_\_\_\_  
11. Name of Garage/Location of Salvage \_\_\_\_\_

# M. W. Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Dorry Wamugo

Jubilee Insurance House

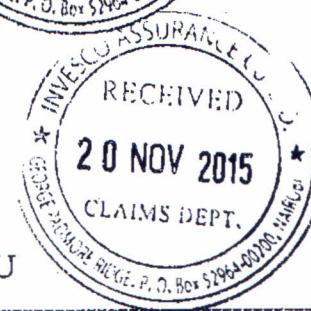
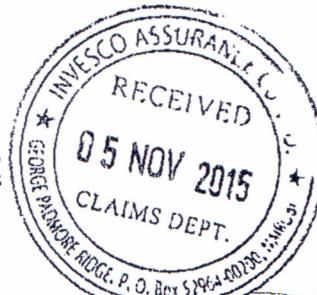
2nd Floor, Rm 207, Wabera St.  
P.O. Box 12270 - 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Fax: 2246212 , Nairobi-Kenya  
E-mail: info@mwmulialladvocates.com

MWM/ACC/346/2004

14<sup>th</sup> October 2015

INVESCO ASSURANCE COMPANY LTD  
BISHOP MAGUA CENTER  
GEORGE PADMORE ROAD  
P.O. BOX 52964 00200

Att. Tito  
NAIROBI



Dear Sirs,

RE: ACCIDENT ON : 26/6/2003  
ALONG : KUTUS SAGANA ROAD  
INVOLVING : KXK 179  
YOUR POLICY NO. : IN6/080/1/014393/2002/00  
OUR CLIENT : JOHNSON KARANI MATHU

The above matter refers.

We attach a copy of a letter received from your offices, the police abstract and notice of intention to file suit for your information. As you will note, you had made partial payment of this claim and there is a balance of Kshs 58,630=. Kindly peruse your file and the writer will call you on the matter.

Yours faithfully,

Muli (Mrs)  
M.W MULI & CO. ADVOCATES

7/12

When replying please quote our reference.



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5. This form must be returned to Invesco Tumaini Branch within 14 days as announced

Kovuru 0724 782829  
Tumaini

**PART A (COMPULSORY FOR ALL INFORMANTS)**

1. Name of Claimant Johnson K. M. T. M. A. T. H. Y.  
2. Claim No. 3389990  
3. ID. No. K. I. E. N. Y. A. G. A.  
4. Place of Residence P. O. B. X. 6 K. N. 9. 1. 0  
5. Postal Address 22462-12-  
6. Telephone No. /Email Address.

**PART B CLAIM DETAILS (INJURY CLAIMS)**

1. Date of Accident 26/6/04  
2. M/V Registration KKK 1179  
3. Police Station Reported KERUGOA  
4. Hospital of Initial Treatment KIRIBIYAGA DISTRICT HOSPITAL  
5. Suit No/Place SENG. NO. H. 931/04 (KERUGOA)  
6. Name of your Advocate M. W. M. U. & CO. ATTORNEYS  
7. Amount Awarded/Date 95,630 17/12/07  
8. Amount paid in part Kshs. 40,000  
9. Balance of your claim: Kshs. 55,630 + last audit interest  
10. Signature *[Signature]* Date: 15/2/10

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3. Name of Agent/Broker .....  
4. Premium Status: Fully paid/Part paid (tick) .....  
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7. D/V Amount Kshs: .....  
8. Amount Part Paid: .....  
9. Amount Outstanding: .....  
10. Salvage Status: Surrendered/Retained (tick) .....  
11. Name of Garage/Location of Salvage .....

# M.W.Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Dorry Wamugo  
Leah Muithiraniah

MWM/ACC/346/2004

5/4/2018

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*Do we have to renew  
- can we just*

When replying please quote our reference.

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*Mary Wangui Muli (MRS)*

*Dorry Wamugo*

*Leah Muithiraniah*

*E. Kirimi Muriuki*

Ambassador Court, Block D1  
Jakaya Kikwete Road, Milimani  
P.O. Box 12270 – 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Nairobi-Kenya

OUR REF: MWM/ACC/346/2004

OUR REF: IC6/080/00133/03

11/8/2021

**INVESCO INSURANCE CO. LTD  
BISHOP MAGUA CENTER, 3<sup>RD</sup> FLOOR  
GEORGE PADMORE LANE, OFF NGONG ROAD  
NAIROBI**

Email : fburu@invescoassurance.co.ke

Dear Sir,

REF: KERUGOYA SRMCC NO.493 OF 2004

JOHNSON KARANI MATHU -VS- CONSOLATA WAMBUI KONYU & ANOTHER

Above matter refers.

- a) Date of accident-26/6/2003
- b) Motor vehicle-KXK 179
- c) Policy number P.NO IN6/080/1/014393/2002/00

Total claim                    Kshs 98,630/=

Amount paid                    Kshs 40,000/=

Balance less interest        Kshs 58,630/=

Yours faithfully,

FOR: M.W. MULI & COMPANY ADVOCATES

0702396726

When replying please quote our reference.

# M. W. Muli & Co. Advocates

Mary Wangui Muli (MRS)  
Our Ref: MWM/ACC/346/2004  
Your Ref: CC/PE/MAY/15/10

1<sup>st</sup> October 2015

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Sheria House, 5<sup>TH</sup> Floor  
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NAIROBI

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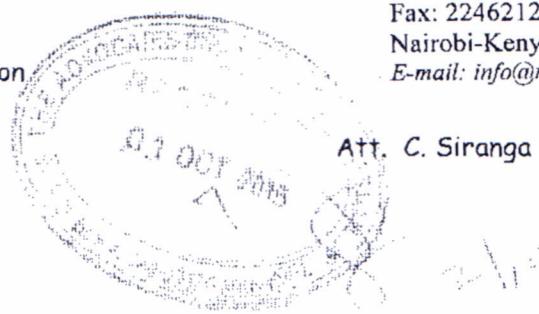
Muli (Mrs)

M. W. MULI & CO. ADVOCATES

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E-mail: info@mwmuliadvocates.com

Att. C. Siranga



When replying please quote our reference.

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*Mary Wangui Muli (MRS)*

*Dorry Wamugo*

*Leah Muithiraniah*

*E. Kirimi Muriuki*

Ambassador Court, Block D1  
Jakaya Kikwete Road, Milimani  
P.O. Box 12270 – 00400  
Nairobi  
Tel: 2246212  
Mobile: 0728922600  
Nairobi-Kenya

OUR REF: MWM/ACC/346/2004

OUR REF: IC6/080/00133/03

000357/2006.

11/8/2021

INVESCO INSURANCE CO. LTD  
BISHOP MAGUA CENTER, 3<sup>RD</sup> FLOOR  
GEORGE PADMORE LANE, OFF NGONG ROAD  
NAIROBI

Email : [fburu@invescoassurance.co.ke](mailto:fburu@invescoassurance.co.ke)

Dear Sir,

REF: KERUGOYA SRMCC NO.493 OF 2004

JOHNSON KARANI MATHU -VS- CONSOLATA WAMBUI KONYU & ANOTHER

Above matter refers.

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Total claim Kshs 98,630/=

Amount paid Kshs 40,000/=

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FOR: M.W. MULI & COMPANY ADVOCATES