

## **Civil Case Judgment Sample**

**REPUBLIC OF KENYA IN THE HIGH COURT OF KENYA AT  
NAIROBI**

**CIVIL SUIT NO. 456 OF 2024**

**BETWEEN**

**ABC COMPANY LIMITED ..... PLAINTIFF**

**AND**

**XYZ CONTRACTORS LIMITED ..... DEFENDANT**

### **JUDGMENT**

Delivered on this 20th day of January, 2024

**BEFORE: THE HONOURABLE JUSTICE MARY WANJIKU**

### **BACKGROUND:**

- 1. This is a claim for breach of contract arising from a construction agreement dated 1st March, 2023, between the Plaintiff and the Defendant.**
- 2. The Plaintiff engaged the Defendant to construct office premises at a contract price of KSh 10,000,000 with completion**

**scheduled for 31st December, 2023.**

**ISSUES FOR DETERMINATION:**

**1. Whether the Defendant breached the construction contract 2. Whether the Plaintiff is entitled to damages 3. What reliefs, if any, the Plaintiff is entitled to**

**FINDINGS:**

**1. BREACH OF CONTRACT: The court finds that the Defendant materially breached the contract by: - Failing to complete construction by the agreed date - Using substandard materials contrary to specifications - Abandoning the site without notice**

**2. DAMAGES: The Plaintiff has proven the following damages: - Additional costs of completion: KSh 2,500,000 - Loss of rental income: KSh 800,000 - Professional fees for remedial work: KSh 300,000**

**3. DEFENSES: The Defendant's claim of force majeure due to COVID-19 restrictions is rejected as the delays occurred after restrictions were lifted.**

**ORDERS:**

**1. Judgment is entered in favor of the Plaintiff against the Defendant.**

**2. The Defendant shall pay the Plaintiff: a) General damages: KSh 3,600,000 b) Interest at court rates from the date of filing c) Costs of this suit**

**3. The Defendant shall complete the outstanding works within 60 days or pay additional damages of KSh 50,000 per day of delay.**

**IT IS SO ORDERED.**

DATED at Nairobi this 20th day of January, 2024.

**..... MARY WANJIKU JUDGE**