**Flatt v Mann-Jones**

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 21 November 1973

**Case Number:** 1558/1969 (65/74)

**Before:** Simpson J

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*[1] Animal – Highway – Straying cow – Owner not liable for damage to motorist.*

**Editor’s Summary**

The plaintiff sued the defendant for damage caused to her car when she swerved to avoid the defendant’s

cows which the judge held had strayed on to the road through inadequate fencing.

**Held –** the owner of cattle straying on a highway is not liable for damage resulting therefrom (*Searle v.*

*Wallbank* (2) followed).

Case dismissed.

**Cases referred to Judgment:**

(1) *Mason v. Keeling* (1669), 91 E.R. 1035; [1558 – 1774] All E.R. Rep. 625.

(2) *Searle v. Wallbank*, [1947] A.C. 341; [1947] 1 All E.R. 12.

(3) *Brock v. Richards*, [1951] 1 K.B. 529; [1951] 1 All E.R. 261.

(4) *Gombeg v. Smith*, [1963] 1 Q.B. 25; [1962] 1 All E.R. 725.

(5)