Plaint for a Cyclist Right Foot Crush Injury and Future Medical Expenses

Educational sample 256 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE CHIEF MAGISTRATES COURT AT MOMBASA

CIVIL SUIT NO [reference]

[PLAINTIFF] v [DEFENDANTS]

PLAINT

1. The Plaintiff is [cyclist identity and address]. The Defendants are [proved owner or responsible principals] and [driver]. On [actual date] the Plaintiff rode a bicycle at [redacted Mombasa location] and was struck by [vehicle identified in the confidential filing]. Jurisdiction, limitation and related proceedings are [complete].

2. The driver drove or controlled the vehicle negligently in [specific acts supported by the actual account]. Particulars include [failure to keep a proper lookout, safe control or other evidenced act]. Liability of each owner or principal is pleaded through [proved ownership, agency, employment or authority], rather than ownership alone being treated as every required element.

3. The injuries relied upon are the right-foot crush/degloving injury, fracture of the right medial malleolus and periosteal stripping of the distal fibula, as documented at [medical records]. The disability assessment and continuing limitations are [qualified report]. Personal symptoms are distinguished from a medical diagnosis.

4. Special damages are particularised individually: [vehicle search], [medical report], [treatment and other proved expenses], with date and amount. On the source appeal the proved sum was KSh 14,100, different from higher pleaded figures. The actual plaint must use genuine receipts and claim only its own supported amounts.

5. Future medical expenses are specifically sought for [treatment, frequency, period and qualified estimate]. Loss of earnings, if claimed, identifies proved income and actual loss. Diminished earning capacity, if claimed, identifies the effect of disability on the labour-market position and avoids duplicating another damages head.

6. The Plaintiff seeks general damages, the proved special damages, appropriately assessed future medical expenses, any separately justified earnings remedy, lawful interest and costs. The source appellate award of KSh 1 million and KSh 170,000 does not determine the damages for a different person or a present medical estimate.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

Complete parties, addresses for service, material jurisdiction and limitation facts, precise negligence or other particulars, related proceedings and prayers. Check Orders 3 and 4 for the required verifying affidavit, witness statements, list and copies of documents; complete summons, fee and lawful service. Special damages require particular pleading and proof. This specimen is substantive wording, not the entire filing pack. Trial plaint for the competent Mombasa magistrate court, with verifying affidavit, witnesses, documents, summons and service as required. Check the actual injury limitation period and any lawful extension; these historic facts do not authorise reopening the concluded source claim.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A cyclist was struck by a vehicle in Mombasa in March 2023. Medical evidence described a right-foot crush/degloving injury, medial-malleolus fracture, distal-fibula periosteal stripping and assessed twenty-five per cent disability. The magistrate found the defendants liable but awarded only KSh 200,000 and omitted several damages heads. The High Court identified errors in the treatment of the record and injuries, including a statement that defendants had not appeared despite their participation.

The appeal substituted KSh 1 million general damages, KSh 14,100 proved special damages and KSh 170,000 future medical expenses, retaining lower-court costs and awarding appeal costs. The pleaded special figures exceeded the proved receipts. The Court discussed diminished earning capacity separately from a proved monthly-income claim; the final disposition did not give a separate additional earning-capacity amount. The historical award is not a current injury tariff.

Plead injuries and special damages accurately, prove expenses and distinguish a present symptom from the original injury. Future medical expenses require a pleaded foundation and appropriate medical evidence. Do not multiply an unproved claimed wage by remaining work years or duplicate earning-capacity compensation within general damages. First-appeal intervention must identify a material error or a manifestly inappropriate award.

[2025] KEHC 3991 (KLR) - 28 March 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/3991/eng%402025-03-28

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/epuret-v-kioko-2-others-2025-kehc-3991-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.