# Individual Doctor Defence to Cannulation Negligence Allegations

Educational sample 284 | 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 HIGH COURT AT MOMBASA

CIVIL SUIT NO [reference]

[PATIENT PLAINTIFF] v [HOSPITAL AND PRACTITIONER DEFENDANTS]

STATEMENT OF DEFENCE

1. The Defendant answers the allegations directed personally against [medical officer]. The examination, instructions received, procedure performed and period of involvement are admitted only as accurately recorded at [paragraphs and clinical pages].

2. The Defendant denies negligent arterial cannulation. The line was tested and treatment initially proceeded as documented in [records]. The Plaintiff is required to prove the alleged departure from professional care and its causal connection to the injury.

3. The Defendant identifies the contemporaneous notes and qualified evidence relevant to the sequence and mechanism of deterioration. A serious adverse outcome does not itself establish negligent performance of the earlier procedure.

4. Any allegation that the Defendant failed to attend after a later pain report is specifically answered through the actual duty allocation, notification and attendance records. The Defendant does not claim that a hospital communication failure necessarily absolves a doctor who was personally informed and failed to act.

5. The claimed damages are disputed as to entitlement, causation and quantum against this Defendant. Future care, future earnings and specials require the proper pleading and evidence; any recognised earning-capacity claim is addressed separately.

6. The Defendant asks that the claim against him or her be dismissed with an appropriate costs order. Any contribution or indemnity requires the correct separate procedure and pleaded basis. Genuine witness and expert material will be filed and served under directions.

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

Answer the actual numbered plaint with precise admissions, denials and material grounds. Check summons, appearance, the applicable response period, court directions and the required witness/document pack. A counterclaim or new affirmative relief requires its own proper pleading, fee and service. Do not treat a disputed factual allegation as a pure preliminary objection. The source judgment exonerated the personally sued medical officer. This specimen covers that distinct defence, not a denial of the hospital monitoring breach which the Court found proved.

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 child admitted with a left-arm ailment developed a vascular emergency in the right arm after intravenous treatment and later underwent amputation. The case continued after she reached adulthood. The Court distinguished disputed initial cannulation from the hospital failure to monitor, communicate and obtain medical review during an overnight deterioration.

The hospital alone was held 100% liable and ordered to pay Kshs 6,034,620: Kshs 4,500,000 for pain and amenities, Kshs 1,500,000 for loss of earning capacity and Kshs 34,620 special damages. The claims against the two doctors failed. Future care and future earnings were disallowed. The hospital was ordered to pay plaintiff costs and the taxed costs of the exonerated doctors.

Use the operative paragraphs 55–59 rather than the mirror summary labelled dismissed. Initial arterial cannulation was not proved; liability rested on monitoring and escalation failure and causation. Future medical expenses require specific pleading and proof; earning capacity is distinct from assumed future earnings. Invoices are not automatically proof of payment. Historic dates, adulthood, limitation, jurisdiction and any amendment require genuine procedural assessment.

[2026] KEHC 12838 (KLR) - 14 August 2026. Source decision: https://sheriahub.com/cases/ke/caselaw/mwarua-v-pandya-memorial-society-registered-trustees-2-others-2026-kehc-12838-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/mwarua-v-pandya-memorial-society-registered-trustees-2-others-2026-kehc-12838-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.