Hospital Failure to Monitor Limb Deterioration Medical Negligence Plaint

Educational sample 281 | 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 PROPERLY JOINED PRACTITIONERS]

PLAINT

1. The Plaintiff is [adult patient], formerly a child treated at [hospital]. The Defendants are [hospital legal entity] and [identified practitioners, if properly joined]. The Court jurisdiction, limitation position and any former next-friend proceedings are particularised at [details].

2. During admission for an ailment of the left arm, intravenous treatment was administered through the right wrist. Severe pain and subsequent deterioration of the right hand required removal of the line. The Plaintiff alleges that the relevant staff failed to obtain timely medical review and notify the treating consultant.

3. Particulars of the alleged hospital breach are failure to monitor the affected limb after the pain report, failure to assess changes in movement, warmth and perfusion, failure to implement the recorded review plan, and failure to escalate deterioration. Each allegation is tied to [clinical record and evidence].

4. The Plaintiff alleges that these failures caused or materially contributed to progression to irreversible vascular injury and below-elbow amputation. The precise causal opinion and professional standard will be proved through qualified evidence; the injury alone is not pleaded as proof of negligence by every practitioner.

5. The injuries and disability are [supported particulars]. The Plaintiff claims general damages for pain, suffering and loss of amenities, separately supported loss of earning capacity, and specifically pleaded special damages of [itemised amount]. Future treatment is claimed only if its nature, need and cost are properly pleaded and proved.

6. The Plaintiff seeks damages against each Defendant whose liability is proved, appropriate interest and costs. Each personal allegation against a practitioner is separately particularised. The Plaintiff discloses [related proceedings] and files the required verifying affidavit, genuine witness statements and document list.

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. Newly drafted substantive plaint based on the pleaded and decided issues, not the historical further amended plaint. Do not assert the doctors were found negligent; both personal claims failed. Replace historic facts only with genuine instructions.

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.