Future Care Damages Schedule with Separate Therapy Schooling and Equipment Heads

Educational sample 188 | Nairobi

Educational reconstruction from a reported Kenyan judgment. This is newly drafted text, not an original court filing and not a matter handled by our team. Identifying details are replaced with bracketed fields. Verify the facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI MILIMANI CIVIL DIVISION

CAUSE CIVIL SUIT OR APPLICATION NO [correct reference]

[CLAIMANT PLAINTIFF OR APPELLANT] v [RESPONDENT OR DEFENDANT]

EVIDENCE OR COMPUTATION SCHEDULE

1. Historical therapy head: KSh 468,000 yearly multiplied by 40 years equals KSh 18,720,000. Personal hygiene: KSh 72,000 yearly multiplied by 40 equals KSh 2,880,000. Identify clinical need, frequency and cost source for each; these are source-case estimates, not 2026 quotations.

2. Consultations: KSh 84,000 yearly multiplied by 40 equals KSh 3,360,000. Medication: KSh 240,000 yearly multiplied by 40 equals KSh 9,600,000. Caregiver: KSh 180,000 yearly multiplied by 40 equals KSh 7,200,000. A current claim requires its own proved needs and prices.

3. Schooling was KSh 6,000,000 using the accepted rate and school duration. Adaptive equipment was KSh 3,600,000. Explain replacement intervals and items rather than claim all equipment repeatedly through overlapping heads. The source did not use forty years for every head.

4. General damages were KSh 800,000 for the mother and KSh 8,000,000 for the child; proved past special damages were KSh 631,198. The stated gross total was KSh 60,791,198, reduced by the source’s rounded 10% deduction to KSh 54,712,078.

5. Record the consent-liability percentage, judgment and authenticated decree before enforcement. A fresh calculation must not silently override a rounded court order. Costs, interest, payments and the protection of the minor’s proceeds are separate. No historic estimate is presented as a current care recommendation.

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

Use and evidence notes

This schedule supports a pleaded issue; it is not a new originating process or proof by itself. Give dates, authors, document pages, authenticating witnesses and transparent calculations. Label missing or disputed evidence accurately. Current costs and rates need current proof. Obtain leave or directions for supplementary material where required, serve it and avoid duplicate recovery of paid heads. Protect the minor and obtain Order 32 leave and directions where required. Historical care figures are not present medical advice or prices.

Supporting material schedule: [document date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach only genuine available records and mark missing records accurately.

Source and procedural limits

A mother alleged inadequate labour monitoring and delayed intervention in May 2007. The child suffered birth asphyxia and permanent cerebral palsy requiring extensive care. Liability was fixed at 90% against the defendants by consent in July 2015; the remaining hearing assessed damages. Medical reports, the mother's evidence and future-care estimates were considered. The second adult plaintiff did not testify.

The Court awarded KSh 60,791,198 before a 10% deduction, producing the stated judgment total KSh 54,712,078 jointly and severally, plus costs and interest. It used a 40-year rather than requested 50-year multiplier for several care heads, and twenty school years. In the 24 March 2021 ruling PKM & another v Nairobi Women's Hospital & another, the Court allowed execution before costs taxation under section 94, recording that the liability judgment appeal had been dismissed in November 2020. Receiving the minor's money still required Order 32 protection.

A next friend must comply with Order 32. Liability already settled by consent is not retried during assessment. Future care needs clinical and cost evidence; the historical amounts and multipliers are not current prices or medical prescriptions. Section 94 distinguishes execution of principal from untaxed costs. Order 32 rule 6 separately controls receipt of a minor's money. The source judgment rounds the 10% deduction; preserve its stated order and obtain the decree for enforcement.

[2018] eKLR — Civil Case 186 of 2009 — 16 May 2018. Original judgment: https://sheriahub.com/cases/ke/caselaw/p-k-m-suing-on-own-behalf-and-as-next-friend-of-a-j-b-g-s-m-v-nairobi-women-hospital-mutinda-2018-eklr

The original decision may identify participants. The specimen replaces their identifying details. A source decision is not proof that a draft was filed, that an allegation succeeded, or that the same result will follow in another case.