Appellant Submissions on Unproved Physiotherapy and Medication Costs

Educational sample 498 | Malindi

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 MALINDI

CIVIL APPEAL NO [reference]

[APPELLANT] v [RESPONDENT]

WRITTEN SUBMISSIONS

1. The appeal challenges quantum on the admitted record. The Court should apply the recognised interference test to each head separately, distinguishing discretionary pain compensation from the evidential foundation for future expenditure.

2. The medical opinions differ on limb recovery, arthritis and future treatment. The Appellant identifies each witness expertise, examination, imaging and reasoning at [record pages], rather than relying on a professional title alone.

3. The asserted physiotherapy and medication rates require a credible documentary or qualified costing basis, with necessary duration and frequency. The source record lacked documents supporting the figures; submissions cannot supply new quotations.

4. A three-year annual or monthly calculation must reconcile the medical recommendation with the pleaded head and proved costs. A numerical multiplication does not prove that the treatment is necessary or the unit rate reliable.

5. The diminished earning-capacity award must be assessed against the actual prognosis and evidence, without assuming that every permanent impairment yields the same sum. Any challenge to pain damages must independently meet the appellate threshold.

6. The Appellant seeks removal or variation of unsupported heads and appropriate costs. The source decision maintained the pain award but removed future expense and earning capacity; it did not reject that the child suffered a serious injury.

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

Identify pleaded issues, admitted evidence and genuine record pages. Follow directions on length, authorities, filing and service. Submissions do not introduce exhibits or cure missing substantive prayers. Distinguish what a party sought from what the Court ordered, and an unsuccessful historical position from the actual holding.

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 injured as a motorcycle pillion passenger on the Kilifi–Malindi road suffered a femur fracture, knee stiffness and limb shortening. The trial awarded pain damages, future treatment and diminished earning capacity. Medical witnesses disagreed on prognosis and permanent effects. Both parties challenged quantum.

The High Court maintained KES 650,000 pain and suffering and the other unaffected awards, but set aside KES 198,000 future medical expenses and KES 350,000 diminished earning capacity. The main appeal partly succeeded and the cross-appeal failed; no appeal costs were ordered. Treatment costs lacked adequate supporting evidence.

The appellate issue was quantum, not a fresh liability trial. General injury compensation and proof of future expense are separate inquiries. A medical report must explain expertise and the cost basis; a new quote cannot be added through submissions. The report does not identify the trial court station, so these five samples are confined to the verified Malindi appellate stage.

[2025] KEHC 10373 (KLR) - 11 July 2025. Source decision: https://new.kenyalaw.org/akn/ke/judgment/kehc/2025/10373/eng@2025-07-11

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/laria-v-hjs-minor-suing-through-her-father-and-next-friend-jsm-2025-kehc-10373-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.