

**IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NUMBER 1269 OF 1994**



BETWEEN:

TOWERA NGWIRA (INFANT) 1ST PLAINTIFF

and

BEATRICE NGWIRA (INFANT) 2ND PLAINTIFF

and

L.V.S. NGWIRA (MOTHER AND NEXT FRIEND)

and

P. KALIMIRA (MALE) 1ST DEFENDANT

P. KALIMIRA 2ND DEFENDANT

CORAM: E.B. TWEA, REGISTRAR
Msisha, Counsel for the Plaintiff
Defendant/Counsel absent

RULING

The plaintiffs are sisters and were involved in a road traffic accident which involved the motor vehicle of the defendants. The defendant operated a minibus in which the plaintiff's were passengers. Liability is not denied. What is in issue is the quantum of damages.

The plaintiff's claim is basically for pain, suffering, and loss of amenities. PW3, their father gave evidence and tendered the medical reports PEX1 and 2 in respect of the injuries suffered by the plaintiffs. It is clear from

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the medical reports that both plaintiffs got bruised and sustained some injuries which resulted in scars. PW1, has to bear the scourge of hiding her scars and she is now 16 years old and has a disability in lifting heavy objects. It is clear she sustained more serious injuries than her sister, PW2. I grant her K25,000 for pain and suffering, loss of amenities and disfigurement.

PW2 did have injuries but the scars are smaller and not ordinarily visible as they are on the thighs. However, she told the court that she has recurrent headaches and nose bleeding. I grant her K15,000 for pain and suffering and loss of amenities and disfigurement.

I decline to award any damages for loss of earnings as I see no evidence that the injuries will jeopardize their earning capacity. Both are at school, unless one decrees that they may be labourers, I am of the view that such damages are too remote at this point in time. The plaintiffs are entitled to costs.

PRONOUNCED IN CHAMBERS this 6th day of May 1997, at Blantyre.



E.B. Twea
REGISTRAR