THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

(CIVIL DIVISION)

CIVIL SUIT NO.169 OF 2016 (FORMERLY 314 OF 2015)

1. **SENENGO JOSHUA**
2. **SENTONGO PATRICK----------PLAINTIFFS**

VERSUS

1. **TOTAL (U) LIMITED**
2. **TWAGIRAYESU DEO**
3. **NANYONGA HARRIET----------DEFENDANTS**

BEFORE HON. JUSTICE SSEKAANA MUSA

JUDGMENT

The plaintiffs sued as administrators of the estate of the late Katumba Enock as brothers to the late for general damages for loss of dependency and expectation of life, aggravated damages, interest and costs of the suit.

The late Katumba Enock on the 13th day of May 2014 while riding a motorcycle registration No. UDQ 350C went to refuel at the 1st plaintiff's refilling station at Mukono along Kayunga Road. At the material time the said refilling station was being managed under the supervision of the 2nd defendant and the 3rd defendant was responsible for dispensing fuel to the late Katumba.

While dispensing the fuel, some fuel spilled over to the motorcycle and it caused an explosion and the late Katumba was set ablaze causing serious injuries.

The late Katumba was rushed to different health facilities around Mukono and later was referred to Mulago Hospital for better treatment as an emergency. The deceased passed on due to acute lung injury caused by burns sustained due to the fire.

The plaintiffs as brothers to the late Katumba brought this action under the Law Reform Miscellaneous Provisions Act for the negligent cause of death.

AGREED FACTS

According to the joint scheduling conference filed by the parties, the following are the agreed facts;

- On the 13th day of May 2014, the late Katumba Enock came with motor cycle No. UDQ 350 C to fuel at the 1st defendant's service station located at Mukono Town-Kayunga road.

- The fuel station was being operated by the 2nd defendant and the 3rd defendant was a pump attendant. At the time of the incident, the fuel station belonged to the 1st defendant.

- The deceased was taken to Mukono Health centre where he was later referred to the National Referral Hospital Mulago for intensive care treatment.

- On the 15th/05/2014, the 1st plaintiff informed the 1st defendant in a letter about the incident and requested for immediate medical

attention/help and a structured approach of how the matter could be handled.

- On the 20th/05/2014, the plaintiffs through their lawyers wrote to the 1st defendant demanding immediate action to provide the needed medical care (Intensive Medical care) that was needed to save the life of the deceased.

- On Friday 23rd/05/2014, the 1st defendant called the plaintiffs to its premises for a meeting and referred them to Lion Insurance Company Limited.

- On 30th day of May 2014 the deceased passed on.

- On the 30th day of May 2014, the 1st defendant through its lawyers offered assistance to cover all funeral expenses for the deceased and further offered the use of A-plus Funeral Services company.

- The 3rd defendant was an employ of the 1st and 2nd defendants.

AGREED ISSUES.

1- Whether the defendants were liable for the death of the late Enock Katumba.

2- Whether there was any contributory negligence by the late Enoch Katumba.

3- What remedies are available to the parties?

Issue 1

Whether the defendants are liable for the death of the late Enoch Katumba?

The Plaintiffs case is that the defendants are liable in NEGLIGENCE for the death of the Late Enoch Katumba.

The plaintiffs' counsel contended that the 3rd Defendant negligently poured fuel on the deceased did not give evidence before court to controvert the evidence of the plaintiffs as regards the cause of the fire and all events surrounding the incident.

NEGLIGENCE

Negligence is the omission to do something which a reasonable man guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do. Before the liability of a Defendant to pay damages for the tort of negligence can be established, it must be proved that

a) **The defendant owed to the injured man a duty to exercise due care**;
b) **The Defendant failed to exercise the due care and**
c) **The defendant's failure was the cause of the injury or damage suffered by that man**

(See H.KATERALWIRE VS PAUL LWANGA [1989-90] HCB 56)

STANDARD OF CARE

The standard is reasonableness. But in considering what a reasonable man would realize or do in a particular situation, we must have regard to human nature as we know it, and if one thinks that in a particular situation the great majority would have behaved in one way, it would not be right to

say that a reasonable man would or should have behaved in a different way. A reasonable man does not mean a paragon of circumspection. The duty being a general duty to use reasonable care, reasonableness is the test of the steps to be taken

FORESEEABILITY OF DANGER

It is not enough that the event should be such as can reasonably be foreseen. There must be sufficient probability to lead a reasonable man to anticipate danger or injury. The existence of some risk is an ordinary incident of life, even when all due care has been, as it must be, taken

ANTICIPATION OF GRAVITY OF INJURY

In considering whether some precaution should be taken against a foreseeable risk, there is a duty to weigh on the one hand, the magnitude of the risk, the likelihood of an accident happening, and the possible seriousness of the consequences if an accident does happen, and on the other the difficulty and expense and any other disadvantage of taking the precaution.

The gravity of possible consequences is a major factor in considering precautions. The more serious the likely damage, the greater the precaution required and this is considered in determining the level of fulfillment of the duty of care. **- Paris –v- Stepney B.C. [1951] A.C. 367. *(Emphasis ours) at page 367, case attached as "B"***

STANDARD OF PROOF NEGLIGENCE

If the evidence in a civil case is such that the tribunal can say: We think it more probable than not, the burden is discharged, but if the probabilities are equal, it is not. Thus the standard of proof is on a balance of probabilities.

ANALYSIS OF EVIDENCE

PW2 testified how he saw the deceased (Mr Katumba Enoch) running and stating how the 3rd Defendant had poured fuel on him and calling for help. **PW3** also testified how he saw the whole body of the deceased burnt by petrol. **PW4** and **PW5** further clarified to court that the deceased was burnt as a result of the petro fire from the 1st Defendants petro station.

It was the plaintiffs' counsel's submission that the defence did not produce the 3rd Defendant who was dispensing fuel into the deceased's motorcycle who then at that time started communicating to another pump attendant and negligently poured fuel on the hot Engine and hot exhaust pipe of the motorcycle that started immediate explosion and in the process of the pump attendant fleeing, she poured more fuel on the deceased who was set ablaze causing serious injuries. This evidence was not controverted by the defence by not bringing the 3rd Defendant to testify to these averments and neither was court informed that she was unable to be found.

There is, therefore, no other believable explanation as to how the deceased got showered with fuel that caused deadly injuries. It is clear that the Defendants executed their duties with gross negligence while dealing with a highly flammable substance; pouring fuel on a human being is something which a prudent and reasonable man would not do.

Further **DW1 Mr. Twagira Deo** in cross-examination confirmed to court that the 3rd Defendant was a trained worker and despite the 3rd Defendant having been trained, the witness never the less told court that it is the practice of the 1st defendant not to fuel cars/ motor cycles when engines are on and when riders are sitted on motorcycles. All this evidence was not challenged in re-examination by the defence.

Further, **DW2** in cross-examination also confirmed to court that pump attendants don't fuel motorcycles when Engines are on and when riders

and their clients are sited on**.** He further confirmed to court that by the time the motorcycle reached the petro station, it was not on fire. To the plaintiffs' counsel, this clearly confirms that the fire was caused by the negligent pouring of fuel onto the hot parts of the motorcycle.

Further, **DW2 Mr Christopher Mayende** informed court that he is an environmental health specialist from Makerere University. He confessed that he was incompetent to testify on mechanical condition of the Motorcycle in issue. He even confirmed to court that Total (U) Ltd has Mechanical engineers responsible for Mechanics.

Further **DW2** further told court that he did not know the person who showed him the motorcycle and besides it was not the duty of DW2 to make such a report but the police. The witness did not even prove to court that the Motorcycle on which the report was made belonged to the Late Katumba Enoch.

The plaintiffs' counsel contended that the defence failed to prove the allegations that the deceased motorcycle was faulty. There is no report of the police Inspector of vehicles (IOV). There is no report of a competent mechanical engineer to confirm the allegations of DW2. The defendants deliberately hid the burnt motorcycle and never took it to police but opted to generate their own creations without the involvement of police.

Further **DW3 Mr Hosea Nkojo** also confirmed to court that he is not qualified in Mechanics and Total employs Mechanical Engineers. He further told court that the burns were extensive and this contradicted the report tendered as DEH 3 in which the purported technical officers of the 1st defendant alleged that fuel drops caused the fire.

The plaintiffs' counsel finally submitted that the deceased death was caused by negligence of the defendants. He disputed the allegations that the deceased's motorcycle was faulty and that its engine was running while

being fueled, the defendants' witnesses proved their own negligence by confirming to this court that they fueled the deceased motorcycle when the Engine was on and when the deceased was seated on it. Their attempt to rely on that falsehood still leaves them culpable for gross negligence. As professionals they breached the operational guidelines in Licence agreement as conceded by DW1 and ought to have foreseen the consequences of mishandling petrol and; as trained experts they owed a duty of care to their customers.

The plaintiff's counsel prayed that this court finds the first issue in the affirmative in favour of the Plaintiffs.

The defendant's counsel submitted that the plaintiffs have failed to establish negligent liability. First of all, the defendant admits that when a person comes to fuel an automobile at its gas station, then there is a duty of care owed to them. We do not dispute that. However, the plaintiff fails to show how the events that followed were a result of the negligence of the defendants and hence were a breach of that duty.

It should be noted that whereas the tort of negligence is in itself a legal concept, the acts or omissions of negligent liability are factual. Therefore, it is incumbent upon the party alleging negligence to establish before the court the facts that show how negligent the defendant was.

The evidence presented by the plaintiffs was as follows;
1. The testimony of PW2 - which is a description of what he saw after the fact. There is no testimony to establish causation at all.

2. The testimony of PW3 - which is also a description of what he saw after the fact that also does not state any causation.

3. The testimony of PW 4 and PW5 also does not state establish the causation.

The question is what duty of care was breached and how was it breached? The absence of an actual wrong doing by the defendants fails the plaintiffs' claim for negligence.
"The claimant must prove that the defendant's wrongdoing was a cause, although not necessarily the sole or dominance cause of the injuries." Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) paragraph 3.
Nothing was stated in the evidence of the plaintiffs stating any wrong doing and nothing is stated in the submissions before this court highlighting any wrong doing. Nothing points to the cause of a wrongful act by the defendants leading to the cause of the fire.

Without such blame, its impossible to complete the plea of negligence. What is noted however, is the effort by the plaintiff to throw a blanket over the facts to insinuate a plea of "res ipsor loquitor". The plaintiffs are seeking the court to infer the negligence from the circumstances. The plaintiffs refer to the testimony of DW1, DW2 and DW3 all whom never claimed to have seen the events that led to the accident. The plaintiff is seeking to show that because of the standards that the 1st defendant has in place, it is only inferable that there ought to have been negligence on the part of the plaintiff.

However, this should fail because of the following two reasons.
1. The court does not and cannot make decisions based on conjecture. The plaintiff's failure to establish the elements of its case should not be based on imagination and what might have been but rather on actual facts of the case.

2. The plaintiff did not plead "res ipso loquitor" in its pleadings and as such cannot be seen to seek relief under the same. We refer this court to the case of **TORORO CEMENT v FROKINA INTERNATIONAL LIMITED, SUPREME COURT, CIVIL**

APPEAL No. 2 of 2001. With specific reference to the judgment of Justice Mulenga, if indeed a party intends to rely on the maxim of "res ipso loquitor", it ought to be plead so." (Emphasis added).

In the circumstances, it is was the defendant's submission that by failing to establish the wrong doing by the defendants the plaintiff fails to establish negligence on their part.

The plaintiffs' case is that there was negligence on the part of defendants when the 3rd defendant while dispensing fuel in the deceased motorcycle, and she started conversing with another pump attendant and ended up negligently pouring fuel on the hot engine and hot exhaust pipe of the motorcycle thereby sparking off immediate explosion and as the 3rd defendant was fleeing, she poured more fuel on the deceased who was set ablaze causing serious injuries.

The plaintiffs' evidence and witness (PWII) testified that he heard noise near his work place and he saw a man who was running with fire and he was pleading that a woman had poured fuel on him. During cross examination, he testified that when I reached he was removing his clothes and he cannot tell where the explosion came from.

The defendant's witness DW III testified that the incident report showed that the cause of fire was the naked spark plug. The source of fire was from the motorcycle as there was no other source or element capable of causing the fire without impact of burning residue. The petrol is not a source of fire rather an accelerant and the fire can only start by an independent element being brought into contact with the fuel.

There was a high probability close to absolute that the plug was the cause of the fire that the fuel accelerated.

The evidence of DWIII was more believable as to the cause of the fire rather that the evidence of the plaintiff which did not explain the actual cause of

fire. The evidence presented by the plaintiff about the cause of fire was hearsay since the witnesses did not see anything but only heard about the explosion and they saw the deceased engulfed in fire. They only came to rescue the deceased person. The fire incident report Exhibit D-3 explained the most probable cause of fire and this court accepts the version presented by the said report.

The acts of negligence can still be seen in the said report since the defendants pump attendant or fuel dispenser failed to observe the rules for dispensing fuel to customers when she dispensed fuel in motorcycle whose engine was still running.
"*Negligence is conduct, not state of mind- conduct which involves an unreasonably great risk of causing damage…..negligence is the omission to do something much a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something, which a prudent and reasonable man would not do".* See ***Salmond and Heuston on The Law of Torts*** *(19th Edition)*

To that extent the 3rd defendant was negligent in execution of her duties as a fuel dispenser to that extent. The allegations set out in the plaint that she was talking while dispensing fuel have not been proved on balance of probabilities.

2. ***Whether there was any contributory negligence by the late Enoch Katumba.***

The plaintiffs' counsel reiterated their submissions in issue no 1 and added that the defence did not prove any contributory negligence. They failed to identify the motorcycle of the late Katumba Enoch, the defence failed to produce a Mechanical Engineer to prove the alleged mechanical condition of the motorcycle and the 3rd defendant who is the key witness of the defence was not produced to court to disapprove the Plaintiffs case.

It is also important to emphasize that the allegation of contributory negligence was based on the allegations that the motorcycle was faulty. However this argument is unsupported by any admissible evidence. Only expert evidence would settle the matter and it only the defence that accessed the motorcycle and hid it. It was never handed over to the police and neither to their mechanical experts.

The plaintiffs' submitted that that this was a deliberate action to conceal the truth. There is not IOV report. During cross examination, DW1 alleged that there are signs advising customers to switch of engines at a petrol station but there is not evidence on record to prove this.

The plaintiffs' counsel prayed that this court finds that there was no contributory negligence.

The defendants' counsel submitted that contributory negligence was pleaded as a defense by the defendants in the pleadings and also contended in their evidence before court that there was contributory negligence on the part of the victim.

THE LAW AND THE STANDARD

"In order to establish contributory negligence the defendant has to prove that the claimants negligence was a cause of the harm which he has suffered in consequence of the defendant's negligence. The question is not who had the last opportunity of avoiding mischief but whose act caused the harm."

Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) Paragraph 76

"The existence of contributory negligence does not depend on any duty owed by the claimant to the defendant and all that is necessary to establish a plea of contributory negligence is for the defendant to prove that the claimant did not in his own interest take reasonable care of himself and contributed by this want of care to his injury."

Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) paragraph 77

"The standard of care in contributory negligence is what is reasonable in the circumstances and this usually corresponds to the standard of care in negligence.

The standard of care depends upon foreseeability. Just as negligence requires foreseeability to harm others, contributory negligence requires the foreseeability to harm oneself."

Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) Paragraph 7

THE ARGUMENT

The defendant's counsel further submitted that the evidence presented by both parties shows that there was a fire that resulted into burns that scalded the victim. DW1 in paragraph 9 of his statement stated that the motorcycle of the deceased was taken to the police station and the incident was reported. DW1 further confirmed that a police report D1 was made which stated that the cause of the fire was the contact between petrol fumes and a naked spark plug.

DW2 testified that he took the pictures of the motorcycle and was shown an illustration of the fact that the victim was at the time of fueling the motorcycle still seated on the motorcycle. The pictures of the motorcycle were presented before the court showing the faulty spark plug and the plaintiffs who were given an opportunity to cross examine on the same did not dispute them. DW3 opined that it was the faulty plug that caused the fire. (See para 5 of DW 3 statement).

Furthermore, DW3 testified that petrol which the plaintiffs allege to be the cause of the fire is an accelerant and it cannot on its own start a fire. Therefore, it would be wrong to simply allege that because petrol came in contact with a motor cycle, it caught fire. There had to be a trigger of the fire and in this case it was the faulty spark plug on the motor cycle. From the circumstances, it is our argument that, the victim who was the owner of the motor cycle was also responsible for the faulty spark plug.

According to the testimony of DW3 in paragraph 8 that a spark plug is not inherently dangerous save where the same is tampered with or its faulty. DW1 further stated in paragraph 8 of his statement that he received an incident report from the third defendant who informed him that the victim had declined to switch off the engine of the motorcycle while it was being fueled and that during the fueling a fire had erupted.

The testimony of DW1 in paragraph 14 of his statement where he testified that at the time the petrol station served approximately 100 - 120 motorcycles per day. There was only one incident of fire arising from fueling a motorcycle in the 7 years DW1 had been at the petrol station.

Therefore, by maintaining a motor cycle with a faulty plug; and by bringing the motor cycle for fueling with a faulty plug, the victim was negligent and therefore was the ultimate cause of the catastrophe that forms the basis of this court.

According to counsel for the defendants, the victim did not act reasonably in the circumstances. As stated above, there is a requirement of reasonableness and foreseeability when establishing what is reasonable. We refer this honorable court to the case of **Glasgow Corporation v. Muir [1943] 2 ALL E.R. 44 at 48** where Lord Macmillan observed that;
"the standard of foresight of the reasonable man is in one sense an impersonal test. It eliminates the personal equation and is independent of idiosyncrasies of the particular person whose conduct is in question Some persons are unduly timorous and imagine every path beset with lions; others, of more robust temperament fail to fore see or nonchalantly disregard even the most obvious dangers. The reasonable man is free from both from over- apprehension and from over-confidence."
As cited in **Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) paragraph 2 note 6.**

The defendants counsel contended that, the victim was unreasonable and he could foresee the harm that could befall him. First of all, he operated a motor cycle with a faulty spark plug. Secondly he rode the said motor cycle to the petrol station. Thirdly, he did not get off the motorcycle while the same was being fueled. All these were foreseeable risks of a person that knew that he had a motorcycle with a faulty plug. This was not a reasonable act but rather what Lord Macmillan described as over confidence and nonchalant disregard of obvious dangers.

The defendants counsel contended that the victim was negligent in a manner that amounts to contributory negligence.

This court is in agreement with the submission of counsel for the defendant in respect of the law on contributory negligence.

Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) Paragraph 76

> "In order to establish contributory negligence the defendant has to prove that the claimants negligence was a cause of the harm which he has suffered in consequence of the defendant's negligence. The question is not who had the last opportunity of avoiding mischief but whose act caused the harm."

Halsbury's Laws of England/NEGLIGENCE (Volume 78) (2010) 5th Edition) paragraph 77

> "The existence of contributory negligence does not depend on any duty owed by the claimant to the defendant and all that is necessary to establish a plea of contributory negligence is for the defendant to prove that the claimant did not in his own interest take reasonable care of himself and contributed by this want of care to his injury."

As noted earlier in the resolution of issue one, what indeed happed at the time of fire was best known by the deceased and the person who was dispensing the fuel(3rd defendant). What the plaintiffs witness in respect of this incident testified could not be taken to be conclusive since he never

saw but only heard what the deceased was saying that they had poured fuel on him.

If at all the allegation was to be believed as PW1 had testified then it meant that the whole area where the pump where the fuel was dispensed would have been ablaze including the pump itself and the 3rd defendant.
It is not to say that the fuel/petrol poured on the deceased and he caught fire but is evidently clear that there was that trigger upon which the fire set off.

This court is in agreement with the evidence of the DW III that the spark off a plug triggered the fire that engulfed the late Katumba Enock and this was as a result of not switching off the engine at the time fuel was being dispensed.

Indeed as found earlier, the 3rd defendant was negligent in allowing to dispense fuel in a motorcycle whose engine was still running. Likewise the late was equally negligent in accepting to fuel his motorcycle while the engine is running and this greatly contributed to the fire that caused his death and to that extent there was contributory negligence. The contribution negligence was in the proportion of 30%

What remedies are available to the parties?

<u>Special damages</u>

Plaintiffs must understand that if they bring actions for damages, it is for them to prove their damage; it is not enough to write down particulars and so to speak, throw them at the head of the court, saying, "This is what I have lost, I ask you to give these damages" They have to prove it. See ***Bendicto Musisi vs Attorney General HCCS No. 622 of 1989 [1996] 1 KALR 164 & Rosemary Nalwadda vs Uganda Aids Commission HCCS No.67 of 2011***

The plaintiff sought special damages of 19,233,000/= which was set out in the plaint and the documents Exhibits P12, 13, 14, 15. The court is not satisfied with the said receipts since they appear to have been exaggerated and generated for purposes of obtaining a higher sum than was actually spent. They do not state the quantities of the items that were hired out like the tents, i.e how many tents, how many chairs, and public address system. These items have almost a standard price for hire and the sum presented on the receipts appears to be on a higher side. Similarly the receipts for catering services does not set out any specific particulars and there are no quantities for the food items.

This court indeed acknowledges that money was spent during the burial although the figures presented have not satisfied court or a reflection with the receipts presented. This court awards a sum of 5,000,000/= as damages in respect of the funeral expenses of the deceased. Section 10 of Law Reform (Miscellaneous Application) Act

The court further awards the plaintiffs 70% of the value of the motorcycle which was destroyed with the fire at a value of 3,500,000/= (as purchase price for a new motorcycle.

General damages

General damages are such as the law will presume to be direct natural probable consequence of the act complained of. In quantification of damages, the court must bear in mind the fact that the plaintiff must be put in the position he would have been had he not suffered the wrong. The basic measure of damage is restitution. See ***Dr. Denis Lwamafa vs Attorney General HCCS No. 79 of 1983 [1992] 1 KALR 21***

The character of the acts themselves, which produce the damage, the circumstances under which these acts are done, must regulate the degree of

certainty and particularity with which the damage done ought to be stated and proved. As much certainty and particularity must be insisted on, both in pleading and proof of damage, as is reasonable, having regard to the circumstance and nature of the acts themselves by which the damage is done. See ***Ouma vs Nairobi City Council [1976] KLR 298.***

In the present case, the deceased was survived by three children and at the time of his death he was a boda boda rider whose income was very modest. The only available evidence about the surviving children was by one of the mothers i.e PW I who has the youngest child and also one of the plaintiffs' who testified that they are looking after the children.

Considering the circumstances of the case and the contributory negligence of 30%, the three children and the only beneficiaries are each awarded a sum of 10,000,000/= as damages.

Aggravated Damages

The plaintiffs also sought aggravated or exemplary damages for highhanded nature of the defendant or aggravating conduct of the defendant.

Punitive damages are intended to punish the defendant for the wrong done to the plaintiff and for acting as a deterrent. See ***Rookes vs Barnard & Others [1964] AC 1129***

In the case of ***Obongo vs Municipal Council of Kisumu [1971] EA 91*** the court held that; " ***It is well established that exemplary damages are completely outside the field of compensation and although the benefit goes to the person who was wronged, their object is entirely punitive".***

There are no aggravating circumstances in this case and there is no basis to demand for the same. The plaintiffs' counsel made an attempt to insinuate

that the failure to admit the patient to Intensive Care Unit is the reason the patient lost his life and basically because the defendants refused to give them money. I do not think this was the reason and there is no evidence on record that any doctor recommended Intensive Care and above all the patient was at Mulago National Referral hospital and the deceased would have been admitted therein in any case and it was not a case of lack of funds.

Interest

Section 26 provides for an award of interest that is just and reasonable. In the case of ***Kakubhai Mohanlal vs Warid Telecom Uganda HCCS No. 224 of 2011***, Court held that;

> " ***A just and reasonable interest rate, in my view, is one that would keep the awarded interest rate, in my view, is one that would keep the awarded amount cushioned against the ever rising inflation and drastic depreciation of the currency. A plaintiff ought to be entitled to such a rate of interest as would not neglect the prevailing economic value of money, but at the same time one which would insulate him or her against any economic vagaries and the inflation and depreciation of the currency in the event that the money awarded is not promptly paid when it falls due***"

All the awards made for the damages shall attract an interest of 20% from the date of judgment until payment in full.

Costs

The plaintiff is awarded costs of the suit.

It is so ordered.

SSEKAANA MUSA
JUDGE
23rd/11/2018