

**IN THE SUPREME COURT OF UGANDA**  
**AT MENGO**

**(CORAM: MANYINDO, DCJ., ODER, JSC. & PLATT, JSC)**

**CIVIL APPEAL NO.16/92**

**B E T W E E N**  
**BARNABAS NTIMBA::::::::::::::::: APPELLANT**

**AND**

**UGANDA ELECTRICITY BOARD::::::::::::::::: RESPONDENT**

**JUDGEMENT OF THE COURT:**

The appellant Barnabas Ntimba appeals for an award of damages for serious injury, which he sustained while working for the Uganda Electricity Board. The Board was found liable and there is no appeal upon that finding. The learned Judge awarded shs 9,000,000 general damages for pain and suffering and loss of amenities, and shs 11, 856,000 for loss of future earnings.

At the hearing of the appeal, the award of shs. 11,856,000/= was not objected to.

The sole argument concerns the award of shs 9,000,000/=.

In our opinion that sum is inordinately low. The Judge observed as follows:—

“The evidence of PWI and 3 medical doctors coupled with any observation of the plaintiff is more or less like a baby who needs constant care and attention. He can hardly do anything for himself. Looking at him sends a chill down ones spine. He is confined to the wheel chair for the rest of his life”

The learned Judge then detailed the injuries:-

“He lost the sight of his right eye, right leg above knee amputated, weakness of right hand (cannot write) extensive burn of the parietal region, superficial burn of the right shoulder. The burnt scalp was grafted with fresh skin removed from his left thigh. Both doctors assessed his disability of 80%”

“In respect of general damages the age of the plaintiff is given as 37, the medical evidence is that his life expectancy is not bright and he will continue to receive regular medical treatment. He is in the prime of his life and yet he has lost what makes life worth living for, he has one child and is more like a burden to his wife who also has to make necessary sacrifice to keep him alive.

He is only able to sleep and eat, he is therefore totally dependent on his wife.”

That is not an unfair assessment, but yet it leaves out a few particulars from the appellant’s evidence. He lost the vision in the right eye, but he also can only see dimly with left. He uses

the toilet with the help of someone. He cannot dress or bathe himself. His wife sees to his needs and does no other work than that. His friends have deserted him.

Doctor Lawrence Okerao (PW3) explained the medical symptoms and treatment and concluded that

“He must now depend on someone to look after him for the rest of his life. He is now on a wheel chair and cannot move without it.

The report of Dr. Mugambi noted that the Appellant used a wheel chair and walking sticks. The problem seems to be how to compensate a man who will need help for the rest of his life, who has been badly injured and has no help other than that of his wife. Judging from other similar awards, it would seem to me that the award of shs 9,000,000/= ought to be increased to one of shs 18,000,000/=. If that is wisely invested, the income would go a long way in solving the problem.

We would therefore allow the Appeal. We vary the Judgement of the trial Judge by awarding the Appellant shs 18,000,000/= as general damages, and then enter Judgement for shs 29,856,000/=. The appellant will have the costs of the appeal.

DATED AT MENGO this day of January, 1993.

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**S.T. MANYINDO**  
**DEPUTY CHIEF JUSTICE**

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**A.H.O. ODER**  
**JUSTICE OF THE SUPREME COURT**

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**H.G. PLATT**  
**JUSTICE OF THE SUPREME COURT**