

Under the Fatal Accident Act there is claim by dependants for loss of dependency namely loss of income they received from deceased in his lifetime. The evidence available is that as a cook he would have earned Shs. 3000/- per month. This is not disputed. During the time the deceased was ill the widow said that they were receiving money from the defendant by way of compensation and after retirement pension was paid. However payment ceased after death. From the evidence available and guided by authorities submitted I find that the claim of loss of expectation of life a sum of 100.000/- is sufficient. For pain and suffering and loss of amenities for 2 years an award of 600,000 adequate to compensate for pain and inconvenience suffered for the period of 2 years, considering that no amount of money can really compensate for pain and suffering in any case. Special damages not disputed amount o Shs.3500/-. For dependency I have already said that the multiplier of 10 years is not too long for a cook and therefore the dependency is Shs.240,000/- being 2/3 of income for 10 years. The total therefore amounts to:

Pain and Suffering 600.000

Loss of expectation of life 100.000

Dependency 240.000

Special Damages 3.500

943,500/-

Judgment is therefore entered for the sum of Shs. 943,500/- plus interest and costs.

Dated this 31.5.2000.

Read in the presence of Mr. Anjarwalla.

J. KHAMINWA

COMMISSIONER OF ASSIZE