

IN THE SUPREME COURT OF FIJI (WESTERN DIVISION)

AT LAUTOKA

Civil Jurisdiction

Action No. 284 of 1979

108
000109

Between

KIRAN DEVI d/o Mangal Singh

Plaintiff

- and -

SUBHASH CHANDRA MAIDU s/o
Subramani

Defendant

Mr. C. Gordon, Counsel for the Plaintiff

JUDGMENT

The plaintiff sues the defendant as administratrix of the estate of her husband who was killed after being struck by a motor vehicle driven by the defendant. No appearance was entered by the defendant and on 29/11/79 judgment was entered for the plaintiff for damages to be assessed.

The plaintiff was dependant on her husband and so were their 4 children aged 4, 6, 7 and 9 years of age. The deceased was a labourer working for FSC earning during the crushing season \$49.49 per week and in the slack season \$44.53 per week. But he also brought home extra money for overtime so that in effect the money he brought home and handed to his wife each week amounted to about \$50 per week. He was aged 26-27 years at the time of his death. I know nothing about his prospects for promotion but presumably he could have expected a steady if slow increase in wages. His wife and family were suddenly deprived of his support, due to the negligence of the defendant and in the meantime have been obliged to rely on help from relatives. In assessing damages I work on the basis of \$50 per week and a multiplier of 15 which puts general damages at \$39,000. I therefore give judgment for the plaintiff for \$39,000 being general damages plus \$200 pleaded for special damages - giving a total of \$39,200. The defendant will also pay the plaintiff's costs, to be taxed if not agreed.

LAUTOKA,
4th March, 1980.

(sgd.) G.O.L. Dyke

JUDGE