

IN THE HIGH COURT OF MALAWI
PRINCIPAL REGISTRY
CIVIL CAUSE NO. 2539 OF 2000

BETWEEN:

ZAKEYO MATIYASIPLAINTIFF

AND

IDI YUSUFDEFENDANT

CORAM: TEMBO, ASSISTANT REGISTRAR

Chisale, Counsel for the Plaintiff

ORDER ON ASSESSMENT OF DAMAGES

This is this court's order on assessment of damages for loss of dependency pursuant to a default judgment entered in favour of the plaintiff dated 31st July, 2002. The notice of hearing of the assessment was duly served on the defendant who never appeared at the hearing. The deceased herein died aged 35 years and was then working at Monkey Bay Community Development Project earning K2,000.00 per month. The plaintiff's sue for loss of their dependency on the deceased who died in an accident caused by the defendant's negligence.

In arriving at the damages payable herein this court has taken into consideration submissions by counsel for the plaintiff.

As counsel for the plaintiff submitted, the courts use what can be termed the multiplicand and multiplier formula. See **Mallet v. McManagle** (1970) A. C. 166, 175. The multiplicand being the figure representing the deceased's monthly earnings while the multiplier is the figure representing the estimated number of years the deceased would have lived if not for the wrongful death. And the product of the multiplicand and the multiplier is multiplied by 12 representing the number of months in a year. Whatever the product is reduced by one third representing the portion presumably used by the deceased on purely personal needs. See also **Makwelelo v. Attorney General** Civil cause Number 2314 of 1999. The starting point in determining the multiplier is the age of the deceased at the time of her death. She was aged 35 years. Recent national statistics pegged the average life expectancy in the range of 40 to 50 years. In the circumstance this court recognizes that the plaintiffs will benefit from one lump sum payment. The deceased might also have lost her life earlier due to other eventualities of life. This court therefore adopts a multiplier of 12. The level of loss dependency shall therefore be K2,000 x 12 x 12 x $\frac{2}{3}$ which gives us K192,000.00. The deceased is survived by her children. And the sum awarded is apportioned amongst then as follows:

Name	Age	Amount (Kwacha)
Zakeyo Matiyasi	13	37,000.00
Donika Matiyasi	9	45,000.00
Patricia Matiyasi	6	50,000.00
Eliyasi Matiyasi	4	60,000.00

These sums shall be paid into court and shall be deposited in interest earning accounts for the benefit of the plaintiffs.

Costs of this action are for the plaintiffs.

Made in Chambers at **Blantyre** this May, 2004

M A Tembo

ASSISTANG REGISTRAR.