

TANZANIA / JUDGMENT

20030319 TZHC Dar es Salaam

COURT
TZHCDECIDED
19 March 2003

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I, ... i" CIVIL CASJ; FO. 438 OF 2002 NA.'TICUAL tICCIAl s:~CUin'.L'Y FlC:j HJ~INTIFF '!
'EXT CALL 11':~CllhCLOGIES The Plaintiffs, the Bo.ard of Trustees of the national Social Security
Fu...!d (hSSF),, have filed a plaint a 0 ainst the Respondents, Next .. Call Technologies, claiming,
amoncs: other things, the following:-

- (a) PaJment of. the Princi1Jal amount about U.SD 17~218 (i.e about Tsh.17,872,28Lt),
- (b) Vaca.Jlt pos::;2ssion of the suit premises, and ., The normal interests anc,. costs of the case.
under order 7:'J5;5j of tlle:: -Civil---Pi'ocr.=dure Code ' . ',... ---",, 1966. J.---
A~~~rd.in,rs to the p:i.aint- the ,lai;tifi' 1 s case is ttat on 29/3/1~9 1) the plaintiff a.,,"1.d
the Jefendant entered· i1lto· a· b!t. year tenancy agreement in which the :pl2..intiff rented.
t:1c Defendant an office space of about ? 75 M~ at the plaintiff' .s building situate a
l-'111alirnu Nyerere Pension 'lov1er~ (A copy 0f the L:ase ag:teem0nt 1,ias"accordin~.:ly
atached to the pl~nt) ~ _Th,e agreed mcnthly rent was USD 15 per square metre
p;I..us .,~.,. .. _.,,... ,.,., *--oo.--<>-l.,.,,'Ulol ~vic-.e eharges of USD 1.5 o:- its equivalent in
Tanzania shillings. 'l':1e lea.see also c6nt~ained. a IJrovision for penalty o-(15~ 1:et~c.:.'ai o:h
i.riy"-· ;rent- rernainihg unpaid· for 30 days from' tb.0 day. :when th:e1 rerit· iJe·camc · due·
to· ·aetue.l' day of, 1,ayulent. The -r;laintifrs allege that· the defendant failed. to pay the
said· rent and service char'ges for 33 months tmital]Lni USD 12.. 760 ~,;ntl:eh· <"arry the·
interesb of ,19(, rer day for the delayed p~ent)rlhich :r.otals USD 3, .5-W. 11 ~, . .) . 2 The
plaintiffs also claim. the usual Value A:iJed Toz (VAT) of USD 948 to be added to the above
said amount o It is furt:J.er claimed that for all that. period the defendant has also f2tile(·co
92:y electricity bills amounting to Tshs.659, 1+5;.11/=o \Jhen th1:)se curoi;.nts are added up,
we get the principal a~ount cf USD 17,218. The Defenc1.ant was given an O;);;,ortunity to
defend th,: case. Notice was duly served on them on 1'1/2/200;,. Howevel·, up to the date
fixed for mention (1L~/3/2003, the defendants did not ta..."ke the required response. It is
upon this expiry of the prescribed. period that counsel for the plaintiffs Ms Manongi, prays
for this court to award the reliefs prayed for in terms of Rule 2 (2) of Order mfi of C.1}0Ce .
I~4tyrng_ ·satisfied myself that !he claims by the :pliantiff are sen"4ene, and having
e~tablished that the d~fenc1.arrrt. \,las .r;::;iv0n .clue notice to defend but he di~ not
avail himself of this opparturii ty,: I .hereby enter judgment and decree for the plaintiff as
pray0;d. Delivered in court, this eigh day of April 2003, in thic presence of _i:1le applJcant. i
\ , , Eol; .E o lfil.Sfi;:,]. tTtJDG1 19/3/JC03 '

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