

TANZANIA / JUDGMENT

summary judg

COURT
TANZLIIDECIDED
29 October 2024

Source: media.tanzlii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (DAR ES SALAAM SUB-REGISTRY) AT DAR ES SALAAM CIVIL CASE NO. 11759 OF 2024 CASE REF. NO.

202405211000011759 THE ATTORNEY GENERAL-----1ST PLAINTIFF THE
BOARD OF TRUSTEES OF THE NATIONAL SOCIAL SECURITY FUND-----2ND
PLAINTIFF VERSUS SAFETY LIMITED-----APPLICANT

SUMMARY JUDGMENT: 29th & 31th Oct. 2024 KIREKIANO, J: The plaintiffs instituted a civil suit under summary procedure against the defendant, claiming, among other things, payment of Tshs. 838,175,527.45 (Tanzanian Shillings Eight Hundred Thirty-eighty Million, One Hundred Seventy-five thousand, five hundred twenty-seven and forty-five cents only), being unremitted members' contributions plus accumulated penalties. The second plaintiff is a government corporation and a social Security Fund/ scheme established under the National Social Security Fund Act (Cap 50 R.E 2018). The defendant is a company incorporated under the laws of Tanzania, registered as a contributing member employer of the second plaintiff with Registration No. 1009654. According to the plaint, under the laws establishing the 2nd plaintiff, the defendant must remit members' contributions each month, 10% of the employee's gross salary and 10% by the employer, making a total of 20%. The defendant thus defaulted on the remittance of members' principal contributions between May 2017 and June 2023 and, as a result, attracted the penalty. It is further stated that the defendant was reminded to settle the arrears amicably by the demand letters received on 16/08/2023, 31/08/2023, and 9/10/2023 to no avail. The plaintiffs have filed a summary suit against the defendants, praying for the following reliefs.

1. The defendant to be ordered to pay the sum of Tshs. 838,175,527.45(Tanzanian Shillings Eight Hundred Thirty-eighty Million, One Hundred Seventy-five thousand, five hundred twenty-seven and forty-five cents only), being un-remitted members contributions and penalties thereon due and payable to the plaintiff by the defendant as per paragraph 9.0 hereinabove.
2. Cost of and incidental to the filing of the suit, The defendant, upon service, filed an application for leave to defend the suit, that is Misc. Civil Application No. 18320 of 2024. Upon hearing both parties, this Court of 29th October 2024 dismissed the application for want of triable issues. Mr Dastan Rubandwa, Learned State Attorney for plaintiffs, prayed for summary judgment under order XXXV rule 2 (1) CPC Cap 33. I have examined the plaint, which shows that the total outstanding contributions plus accumulated penalties are

TZS 838,175,527.45. TZS 809,208,091.70 is the default remittance members' principal contribution, and TZS 28,967,435.72 is the accumulated penalty. As provided under Order XXXV Rule 2(2) of the Civil Procedure Code, where a summary suit is not defended, the allegations contained in the plaint are deemed to be admitted. See CRDB Bank Limited vs John Kagimbo Lwambagaza [2002] TLR117. Based on the foregoing, I enter summary judgment in favour of the plaintiff as follows.

1. The defendant is to pay the 2nd plaintiff TZS 838,175,527.45 (Tanzanian Shillings Eight Hundred Thirty-eighty Million, One Hundred Seventy-five thousand, five hundred twenty-seven and forty-five cents only), being un-remitted members' contributions plus accumulated penalties thereon.
2. Interest on the decretal sum at the court rate of 7% per annum from the date of this Judgment until final payment. 3|Page
3. Cost of this suit. A. J. KIREKIANO. JUDGE 31.10.2024 COURT: Summary judgment delivered in the presence of Mr Geoffrey Ngwembe, learned state attorney for the plaintiffs, and in the absence of the defendant. A. J. KIREKIANO. JUDGE 31.10.2024 4|Page

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://media.tanzlil.org/media/judgment/320343/source_file/f6ac884182a41b5e/summary_judg._safety_limited.pdf

CASE PAGE <https://chat.esheria.ai/case-law/tanzania/the-attorney-general-v-safety-limited-summaryjudgment-tanzlil-2024--6a3ea5243b1caa9129819e02>

Prepared on 13 October 2026 · Esheria