TANZANIA / JUDGMENT

CIVIL CASE WINNERS COMPANY

COURT
TANZLII

DECIDED
13 August 2024

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

IN THE HIGH COURT OF TANZANIA MUSOMA SUB REGISTRY AT MUSOMA CIVIL CASE NO. 000011795 OF 2024 REFERENCE NO. 202405221000011795 BETWEEN THE HON. ATTORNEY GENERAL..... 1st PLAINTIFF THE BOARD OF TRUSTEES OF THE NATIONAL SOCIAL SECURITY FUND..... 2nd PLAINTIFF VERSUS WINNERS COMPANY LTD..... DEFENDANT SUMMARY JUDGMENT 13th & 13th August, 2024 M. L. KOMBA, J.: In a way of summary suit, the 2nd plaintiff is claiming from defendant a sum of TZS. 12,516,900/= (Tanzanian Shillings Twelve Milion Five Hundred Sixteen Thousand and Nine Hundred Only) being a compulsory contribution of the defendant and that of employees at the rate of 10% to 10% respectively making a total of 20% of the employee wage. Being a registered contributing member, defendant was obliged to remit employees Page 1 of 3 contribution to the 2nd plaintiff each month. From the Plaint, the defendant delayed to remit in some months from September 2019 to September 2023 which also attracted statutory penalty and still accruing. In suits of this nature defendant has no automatic right to defend, the leave must be sought and obtained as per provisions of Order XXXV Rule 2(2) of the Civil Procedure Code Cap 33 R.E 2019. Undoubtedly, failure to obtain leave, the Plaintiff will be entitled to the Judgement and Decree on the amount claimed. From the record, defendant failed to obtain leave to defend regardless that he was served with summons. He did not show up in any of the scheduled date although he is aware of this. suit. That is to say, the Defendant has defaulted in obtaining leave to appear and defend the suit. Mr. Anesius Kamugisha who represented the Plaintiffs has prayed for a summary judgment and reliefs as per plaint. The cited provision is to the effect that in default of the defendant obtaining such leave or of his appearance and defence in pursuance thereof, the allegations in the plaint shall be deemed to be admitted. Page 2 of 3 It was pleaded by Plaintiffs that defendant is statutory body established under section 53 of the National Social Security Fund Act and is a registered contributing member. In effort to collect the amount, second plaintiff issued demand notice to defendant but in vain. Under Order XXXV Rule 2, I hereby pronounce judgment in favour of the plaintiffs and against the Defendant for the sum of TZS. 12,516,900/=. No order as to costs. DATED at MUSOMA this 13th day of August, 2024. M. L. KOMBA Judge Judgement delivered in chamber in the presence of Mr. Anesius Kamugisha for plaintiffs and in the absence of defendant as he did not show interest to defend the suit. M. L. KOMBA Judge 13th August, 2024 Page 3 of 3

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.tanzlii.org/media/judgment/316101/source_file/bd71600e375bc7ef/CIVIL_CASE_-_WINNERS_COMPANY.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/winners-company-ltd-summaryjudgment-tanzlii-2024

Prepared on 13 October 2026 · Esheria