

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM**

CIVIL CASE NO. 150 OF 2019

**THE BOARD OF TRUSTEES OF PUBLIC
SERVICE SOCIAL SECURITY FUND ----- PLAINTIFF
VERSUS
UNIQUE CONSULTANCY LIMITED -----1ST DEFENDANT
MANAGING DIRECTOR UNIQUE
CONSULTANCY LIMITED -----2ND DEFENDANT**

Date of Last Order: 10/6/2021

Date of Judgment: 2/7/2021

SUMMARY JUDGMENT

MGONYA, J.

The Plaintiff filed a Plaint by way of **Summary Procedure under Order XXXV of Civil Procedure Code, Cap. 33 [R.E. 2019]** read together with the provisions of **section 62(1), (2), 64(1), (2), 65(1), (2) of the Public Service Special Security Fund Act, 2018** praying for Payment of **TZS 525,782,460.00 (Tanzania Shillings Five Hundred Twenty Five Million Seven Hundred Eighty Two**

Thousand Four Hundred Sixty Only) being unremitted Members' contributions plus accumulated penalty.

Initially, the Defendants herein showed their interest in defending the Summary Suit vide **Misc. Application No. 603 of 2019** filed before this Honourable Court on 13th November, 2019. However, the same was dismissed for want of prosecution on 1st October, 2020 after being abandoned by the Applicants with no good cause.

Indeed, in accordance to the provisions of **Order XXXV Rule 2(2)** of the **Civil Procedure Code (Supra)**, the Defendants were supposed to obtain leave of the court to defend the **Summary Suit** within 21 days. Undoubtedly, failure to obtain leave, the Plaintiff will be entitled to the Judgement and Decree on the sum claimed.

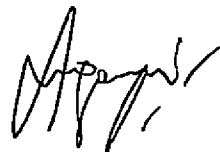
Without further ado, as leave to defend was not obtained for the reason stated above, **Judgment and Decree against the Defendants is hereby entered in favour of the Plaintiff** for the reliefs prayed in the Plaint as follows: -

- (a)** Payment of the sum of Tanzania Shillings Three Hundred Seventeen Million Eighty Three Thousand Two Hundred Sixty Three Only **(Tshs. 317,083,263.00)** being unremitted Members'

contribution due and payable to the Plaintiff by the Defendants.

- (b)** Payment of the sum of Tanzania Shillings Two Hundred Eight Million Two Hundred Ninety Nine Thousand, Three Hundred Seventy Seven **(Tshs. 208,299,377)** only being accumulated penalty due and payable by the Defendants to the Plaintiff;
- (c)** Payment of interest at the court's rate of **12%** on the Decretal Sum (a) and (b) above from the date of Judgment to the date of full payment; and
- (d)** Plaintiff is also awarded costs by the Defendants.

It is so order.



L. E MGONYA

JUDGE

1/7/2021

Court: Judgment delivered today in the presence of Plaintiff's Advocate Ms. Sukaina Farouk and Mrs. Msuya, RMA.



L. E MGONYA

JUDGE

1/7/2021