

IN THE HIGH COURT OF TANZANIA

(COMMERCIAL DIVISION)

AT DAR ES SALAAM

COMMERCIAL CASE NO. 118 OF 2021

BETWEEN

SIEYUAN ELETRICAL COMPANY LIMITED..... PLAINTIFF

AND

M/S SHULTZ-NET (T) COMPANY LIMITED..... DEFENDANT

Date of last order: 27th March, 2023

Date of Judgment: 27th March, 2023

CONSENT JUDGMENT

MKEHA, J.

The plaintiff had filed a suit against the defendant praying for the following reliefs:

- (i) Declaratory order that there exists a lawful binding agreement between the parties.
- (ii) Declaratory order that the defendant has breached the agreement.

- (iii) Payment of the outstanding amount to the tune of USD 310,075.31 equivalent to TZS 718,909,606.24.
- (iv) Payment of weekly interest at 0.5% of the overdue sum from the due date till full payment of the overdue sum in terms of item No. 6 of the payment commitment dated 24th October 2017.
- (v) Payment of commercial interest at 21% per annum from the date of the breach to the date of full satisfaction of the decree.
- (vi) Payment of 10% retention sum after completion certificate is issued as per the contract terms.
- (vii) Payment of court interest to the rate of 12% from the date of judgment to the date of full satisfaction.
- (viii) Legal fees to the tune of 6% of the specific claimed amount.
- (ix) Payment of general damages as may be assessed by the court.
- (x) Costs of the suit to be borne by the defendant.
- (xi) Any other reliefs that this Honourable court deems just and equitable to grant.

Although the defendant had initially filed a defence pressing for dismissal of the present suit, through a deed of settlement executed by the parties to this suit and filed before the court this 27th day of March, 2023, the

parties agreed and the defendant accepted being indebted to the plaintiff to the tune of United States Dollar Three Hundred and Ten Thousand, Seventy-Five and Thirty One Cents (USD 310,075.31) equivalent to Tanzania Shillings Seven Hundred Eighteen Million, Nine Hundred and Nine Thousands, Six Hundred and Six, Twenty Cents (TZS 718,909,606.20). Therefore, pursuant to the said agreement of the parties, a consent judgement and decree is hereby entered in favour of the plaintiff and against the defendant for payment of USD 310,075.31 equivalent to TZS 718,909,606.20/=. Again, pursuant to the said agreement, the defendant shall discharge the said liability within a maximum period of twenty (20) calendar months counted from 30th April, 2023 to 30th November, 2024 . Whereas the defendant shall remit to the plaintiff USD 5000 monthly for the first twelve months, the defendant shall remit to the plaintiff USD 31000 monthly for the following seven months and USD 33,075.31 for the 20th month. Default of paying the decretal sum in the manner agreed by the parties in the deed of settlement will attract revival of the waived interest and costs of prosecuting the present suit.

Dated at DAR ES SALAAM this 27th day of March, 2023.




C. P. MKEHA

JUDGE

27/03/2023

Court: Consent judgement and decree pronounced on this 27th day of March, 2023 in the presence of Ms. Anna Tupa learned advocate holding brief of Ms. Felister Mtani learned advocate for the plaintiff and Ms. Jonesia Rugemalira learned advocate for the defendant.




C. P. MKEHA

JUDGE

27/03/2023