

IN THE HIGH COURT OF TANZANIA

(COMMERCIAL DIVISION)

AT DAR ES SALAAM.

COMMERCIAL CASE NO. 63 OF 2018

BANCA MONTE DEI PASCHI DI SIENA S. P. A PLAINTIFF

VERSUS

ITALFRAME LIMITED..... DEFENDANT

Date : 2/7/2018

Quoram: Hon. A. R. Mruma, J

For the Plaintiff: Mr. Gasper Nyika for the Plaintiff

For the Defendant: Absent

CC: Cosmas

Mr. Nyika:

The Defendants are absent. They appeared last time. Time for which they were supposed to file leave to appear and defend has elapsed. In the circumstances, we pray for a summary judgment under Order 35 Rule 2 (2) (a) of the CPC.

Court:

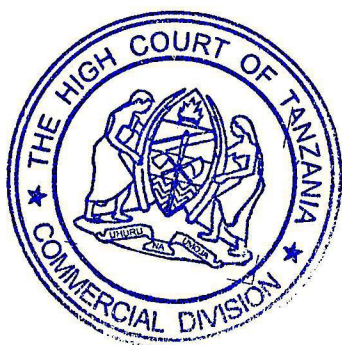
SUMMARY JUDGMENT

Prayer is granted the Defendants were duly served and on 31/5/2018, one Yohana Sikonda, advocate entered appearance and informed the court that his clients were served on 23/5/2018. He thereafter intimated to court that they intend to apply for leave to appear and defend. To date no such application has been filed. Accordingly I enter summary judgment for the plaintiff and against the defendant and order that:-

1. The Defendant shall pay to the Plaintiff EURO 26,040.30 being the outstanding amount on account of building equipments supplied to the Defendant but which were not paid for.
2. On the interest changeable, taking into consideration that the currency involved EURO, is one of the strongest currencies in the world I think the rate claimed of 12% per annum is on the high side of the scale, instead I would award an interest on the decretal sum at the rate of 5% per annum from the date of filing the suit to the date of this judgment and further court's interest at the rate of 3% per annum from the date of judgment till payment in full of the decretal sum.

The Plaintiff is also awarded costs of the suit.

Order accordingly.




A. R. Mruma

Judge

2nd July, 2018