

**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA AT KAMPALA  
COMMERCIAL COURT DIVISION**

**HCT-00-CC-CS-0038-2008**

**NSUBUGA BOSCO:::::::::::::::::::::::::::::::::PLAINTIFF**

**-Vs-**

**CENTENARY BANK LTD:::::::::::::::::::::::::::::::::DEFENDANT**

**BEFORE: *HON MR. JUSTICE ANUP SINGH CHOUDRY***

**JUDGMENT**

The Plaintiff's claim is for sum of 300,000,000 shillings not received in his A/C No. 2520015270 at Centenary Bank, Entebbe Road branch in 2007. In support of the claim, the Plaintiff produced 2 illegible documents. The first showed transmission of 150,500 US dollars from Commonwealth Bank in Australia by one R.A Richardson from his bank Account No. 00199607 and Sorte code 00938-00. The instruction to transmit the said sum of \$ 150,500 was given on 2<sup>nd</sup> October 2006. The 2<sup>nd</sup> document produced by the Plaintiff showed payment from Commonwealth Bank on 4<sup>th</sup> October 2006 under Reference No. 7896764.

The Plaintiffs were given leave to amend the claim for the amount of \$150,500 as it did not add up to 300,000,000 shillings nor was the purported transfer made in 2007 but in October 2006. Amended plaint was filed on 13<sup>th</sup> October 2008 in the sum of \$150,500.

The Defendant produced Bank Statements for the Plaintiff's A/C from 2002 to 2007 but no credit in the sum of \$ 150,500 was shown to have been received.

At the last hearing I made an order giving the Plaintiffs opportunity to produce evidence showing that monies had left payer's Account and confirmation from Commonwealth Bank that the monies were dispatched to the Plaintiff's Account. They were given leave to inspect the Bank's Statement after production of the evidence.

No such evidence was forthcoming today. The 2 documents produced by the Plaintiff in support of their claim are not legible or true copies of the original. No reliance can be placed on them.

I therefore dismiss the Plaintiff's claim with costs subject to proviso that if the Plaintiff do produce satisfactory evidence of the monies sent, then leave is given to them to reissue the claim.

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**Anup Singh Choudry**

**Judge**

**Date:8/01/2009**