

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
[COMMERCIAL DIVISION]

Civil Suit No. 755 of 2020

AIM MOTORS:.....:PLAINTIFF

VERSUS

TRAMINCO (UGANDA) LTD:.....:DEFENDANTS

BEFORE; HON. JUSTICE DUNCAN GASWAGA

JUDGMENT

[1] This is a judgment on a claim for recovery of a liquidated sum of **Ugx 578,150,000/=** (Uganda Shillings five hundred seventy eight million, one hundred fifty thousand) with interest at a rate of 8% and costs of the suit. The cause of action arose as follows; that sometime in the year 2018, the defendant carried out road-construction works along Pallisa-Mbale road which required the use of certain machines to wit; 2 excavators, 2 ATD machines, a compactor, 2 wheel loaders, a grader and a bull dozer. The operation of the said machines equally required duly trained industrial machinery vehicle experts, constant supply of spare parts and related expenditures. In order to fulfil the above obligations, the defendant solicited, obtained and used the machinery and skilled personnel of the plaintiff between August 2018 and February 2019. On the 20th of December 2018, in pursuit of a settlement, the defendant admitted indebtedness of Ugx 545,700,000/= (Uganda Shillings Five Hundred Forty-Five Million

Seven Hundred Thousand) and also undertook to pay it. Also, the plaintiff additionally hired machinery between January 2019 and February 2019 to wit; a wheel loader (China), wheel loader (JCB), Excavator (220 Hunda) and Excavator (340 Hunda) for construction of Paliisa-Kamonkoli 44km project amounting to 32,450,000/= and from that time the plaintiff's pleas for payment to the defendant have been ignored.

- [2] It should be noted that the defendants filed M.A. No. 1221 of 2020 for leave to appear and defend which was later on 10/03/2021 dismissed at the instance of the respondent's counsel for want of prosecution when the defendants refused, ignored and or failed to turn up in court without excuse. This therefore left the main suit un defended.
- [3] I have had opportunity once again to peruse the pleadings. I find that the evidence on record clearly establishes a debt of **Ugx 578,150,000/=** (Uganda Shillings five hundred seventy eight million, one hundred fifty thousand) owed by the defendants. The debt is not challenged.
- [4] **Accordingly, I hereby enter judgment against the defendants jointly and severally in the following terms;**
- a) that the defendants pay to the plaintiff a sum of Ugx 578,150,000/= (Uganda Shillings five hundred seventy-eight million, one hundred fifty thousand)**
 - b) that the defendants pay an interest rate of 8% p.a on (a) above from date of judgment till payment in full.**
 - c) costs of the suit.**

Dated, signed and delivered at Kampala this 24th day of March, 2021

A handwritten signature in black ink, appearing to read 'Duncan Gaswaga', with a stylized flourish at the end.

Duncan Gaswaga

JUDGE