

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

[COMMERCIAL DIVISION]

Civil Suit No.1055 of 2019

SATGURU TRAVEL AND TOURS LTD:.....PLAINTIFF

VERSUS

1. MYSTICAL ROSE VENTURES

2. KATO GODWIN:.....DEFENDANTS

BEFORE; HON. JUSTICE DUNCAN GASWAGA

JUDGMENT

- [1] This is a judgment on a claim for recovery of a liquidated sum of USD 31,398 (United States Dollars Thirty One Thousand Three Hundred Ninety Eight Only) with interest and costs of the suit.
- [2] The cause of action arose as follows; that the plaintiff contracted with the defendants to provide the 1st defendant with ticketing, hotel booking and related services as and when requested for by the 2nd defendant on behalf of the 1st defendant. The plaintiff consequently processed flight bookings for the defendants which were utilized by the defendants. This was at a cost of USD 41,148. The plaintiff later on issued invoices to the defendants for the outstanding amount which were ignored by the defendants. Following several demands, the defendants made a payment to the plaintiff amounting to USD 10,800 but haven't cleared the outstanding USD 31,398 to date.

- [3] It should be noted that the defendants were served by way of substituted service upon an order from this court vide M.A 158 of 2020. These summons were advertised in the Daily Monitor Newspaper on 10/11/2020. See affidavit of service of one Nanyonjo Grace Eron which is on court record. The first defendant did not file an application for leave to appear and defend the suit while the 2nd defendant filed M.A. No. 1097 of 2020 on 24/11/2020 for leave to appear and defend the suit which was later on 21/04/2021 dismissed for want of prosecution when the 2nd defendant refused, ignored and or failed to turn up in court. This therefore left the main suit un defended.
- [4] Order 36 rule 5 CPR states thus;

Judgment upon refusal to give leave.

Where, after hearing an application by a defendant for leave to appear and defend the suit, the court refuses to grant such leave, the plaintiff shall be entitled as against the defendant to a decree such as is described in rule 3 of this Order.

- [5] I have had opportunity once again to peruse the pleadings. I find that the evidence on record clearly establishes a debt of USD 31,398 (United States Dollars Thirty One Thousand Three Hundred and Ninety Eight Only) owed by the defendants. The debt is not challenged.

[6] 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 USD 31,398 (United States Dollars Thirty One Thousand Three Hundred and Ninety Eight Only)

(b) that the defendants pay the costs of the suit.

Dated, signed and delivered at Kampala this 21st day of April, 2021


Duncan Gaswaga

JUDGE