

**THE REPUBLIC OF UGANDA**

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

**[COMMERCIAL DIVISION]**

**Civil Suit No.1099 of 2020**

**ISA MALE :::::::::::::::::::::::::::::::::::PLAINTIFF**

**VERSUS**

**ROKO CONSTRUCTION LTD:::::::::::::::::::::::::::::::::DEFENDANTS**

**BEFORE; HON. JUSTICE DUNCAN GASWAGA**

**JUDGMENT**

[1] This is a judgment on a claim for recovery of a liquidated sum of Ugx 135,729,745/= (Uganda Shillings One Hundred Thirty Five Million, Seven Hundred Twenty Nine Thousand, Seven Hundred Forty Five) and for costs of the suit. The cause of action arose as follows; the defendant engaged the plaintiff to offer transport services of aggregate stones from its quarry in Bukerere to the batch plant at Nasser road in Kampala between 2014 and 2020. The plaintiff issued invoices for that period to the defendant for Ugx 2,150,690,775/= (Uganda Shillings Two Billion One Hundred Fifty Million Six Hundred Ninety Thousand


Seven Hundred Seventy Five). The defendant made several payments between January 2015 and August 2020 by cash and cheque totalling Ugx 2,014,961,030/= (Uganda Shillings Two Billion Fourteen Million Nine Hundred Sixty One Thousand Thirty) leaving an outstanding balance of Ugx 135,729,745/= (Uganda Shillings One Hundred Thirty Five Million, Seven Hundred Twenty Nine Thousand, Seven Hundred Forty Five). However, despite several reminders the defendant refused to pay the outstanding sums, the reason for this suit.

- [2] It should be noted that the defendants filed M.A No. 37 of 2021 for leave to appear and defend which was later on 03/09/2021 dismissed for failure to disclose any triable issues warranting grant of the same.
- [3] I have had opportunity once again to peruse the pleadings. I find that the evidence on record clearly establishes a debt of Ugx 135,729,745/= (Uganda Shillings One Hundred Thirty Five Million, Seven Hundred Twenty Nine Thousand, Seven Hundred Forty Five) owed by the defendants. The debt is not challenged.

**[4] Accordingly, I hereby enter judgment against the defendant in the following terms;**

- a) that the defendant pays to the plaintiff a sum of Ugx 135,729,745/= (Uganda Shillings One Hundred Thirty Five Million, Seven Hundred Twenty Nine Thousand, Seven Hundred Forty Five)**
- b) costs of the suit be paid by the defendant.**

**Dated, signed and delivered this 3<sup>rd</sup> day of September, 2021**



**Duncan Gaswaga**

**JUDGE**