

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

Civil Suit No.865 of 2020

JAVELIN LIMITED:::::::::::::::::::::::::::::::::PLAINTIFF

VERSUS

1. ZIMBA LOGISTICS & HARDWARE LIMITED

2. AEKO ALI AWAZI:::::::::::::::::::::::::::::::::DEFENDANTS

BEFORE; HON. JUSTICE DUNCAN GASWAGA

JUDGMENT

[1] This is a judgment on a claim for recovery of a liquidated sum of **Ugx 270,272,100/=** (Uganda Shillings Two hundred seventy million two hundred seventy two thousand one hundred only) with interest at a rate of 24% from the date of default until payment in full and costs of the suit. The cause of action arose as follows; that between 07/10/2019 and 13/05/2020 the 1st defendant through its managing director the 2nd defendant approached the plaintiff for credit supply arrangement. The plaintiff went ahead to supply to the defendants on credit with the requested cement and its hardware and the same was duly received, however the defendants issued cheques to the plaintiff for payment which were dishonoured. Consequently the defendants were notified and requested to pay to the plaintiff all the outstanding monies but the defendants ignored the same. The 2nd defendant, further in an undertaking on 03rd day of September 2020, agreed to pay all the

outstanding sums in weekly instalments of Ugx 5,000,000/= starting from 09/09/2020 and stated that any breach of the undertaking should be informed to him. The said undertaking was breached by the defendant, leaving the outstanding sum unpaid to date, the reason for the suit.

- [2] It should be noted that the defendants filed M.A. No. 1090 of 2020 for leave to appear and defend which was later on 22/03/2021 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. This was after various adjournments (01/03/2021, 11/03/2021, 18/03/2021 and 22/03/2021) with promises from the defendant's Counsel to pursue a settlement. This therefore left the main suit undefended.
- [3] I have had opportunity once again to peruse the pleadings. I find that the evidence on record clearly establishes a debt of Ugx 270,272,100/= (Uganda Shillings Two hundred seventy million two hundred seventy two thousand one hundred shillings) 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 270,272,100/= (Uganda Shillings Two hundred seventy million two hundred seventy-two thousand one hundred shillings)**
 - b) that the defendants pay an interest rate of 24% per annum from date of default until payment in full.**
 - c) costs of the suit.**

Dated, signed and delivered at Kampala this 22nd day of March, 2021

A handwritten signature in black ink, appearing to be 'Duncan Gaswaga'.

Duncan Gaswaga

JUDGE