

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(COMMERCIAL DIVISION)
CIVIL SUIT NO. 0184 OF 2023
MULTILINES INTERNATIONAL LIMITED:::::::::::::::::: PLAINTIFF
VERSUS
C & G ANDIJIES GROUP LIMITED::::::::::::::::::DEFENDANT
Before: Hon. Lady Justice Patricia Kahigi Asiimwe
Judgment

Introduction:

1. The Plaintiff filed this suit by way of a specially endorsed plaint under Order 36 Rule 2 of the Civil Procedure Rules S.1 71-1. The Plaintiff's claim against the Defendant is for an order for recovery of a sum of USD 155,910 (United States Dollars One Hundred Fifty –Five Thousand, Nine Hundred Ten Only) being the outstanding sums due to the Plaintiff arising from default in payment of invoices for the provision of freight and logistics services to the Defendant.

2. The Plaintiff further claims that on the 25th of November 2011, the Plaintiff entered into a contract with the Defendant for provision of freight and logistics services. From the time of signing the contract, the Plaintiff provided the Defendant with the freight services and they were paid by the defendants. However, sometime around July 2020, the Defendants started defaulting on their payment obligations and accumulated a number of unpaid invoices valued at USD 155,910. Despite the

several demands made by email to the Defendant by the Plaintiff, they declined to pay. A reconciliation of accounts was done by the Auditors and a confirmation letter was issued to the Defendant who confirmed the outstanding balance as USD 155,910.

3. It is the Plaintiff's case that although the defendant confirmed and acknowledged the outstanding amount by email, no payment was made thereafter. On 6th April 2022, the Plaintiff's lawyers issued a demand notice and subsequently met with the Defendant's Chief Executive Director and the Defendant's lawyers. The Plaintiff's Chief Executive Officer Mr. Gerald Mukyenga had a meeting with the Defendant and agreed to clear the outstanding amounts by 17th June 2022 but they failed to settle the outstanding obligations hence this suit.
4. The Plaintiff extracted summons on 24th February 2023 and served them on the Defendants on 27th February 2023. The Plaintiff proved service of summons through an affidavit of service sworn by Ntanzi Ivan, a court process server. On 9th March 2023, the Defendant applied for leave to appear and defend the summary suit. The application was set down for hearing twice the second being on the 11th day of May 2023. On both dates, however, neither the Defendant's representative nor its lawyers attended court. Consequently, the application for leave to appear and defend was dismissed for want of prosecution.
5. The Plaintiff applied for default judgment in respect to the USD 155,910. However, upon arithmetical computation of the invoices attached to support the claim, court found that the said invoices did not amount to USD 155,910 as claimed by the Plaintiff. Court found that only USD 71,188.48 of the USD 155,910 had appropriate supporting invoices to warrant