

IN THE DISTRICT COURT OF KINONDONI

AT KINONDONI

CIVIL CASE NO.130 OF 2022

BETWEEN

AKIM JASPER MTURI..... PLAINTIFF

VERSUS

ROSE MARIE RUWOZA..... DEFENDANT

EX-PARTE JUDGEMENT

Date of last order: 13/10/2022

Date of Judgement: 07/11/2022

The plaintiff herein claims against the defendant for the sum of TZS. 20,000,000/= (Twenty million) which arose from selling of the plaintiff's properties without his consent.

According to the plaint, the plaintiff welcomes the defendant at his resident in Changanyikeni Dar es salaam for 4 years due to the fact that she is the mother of his children. That. On 7th March, 2022 the plaintiff travelled to Usangi for Holiday, and while he was away the defendant broke his bedroom and sold all the furniture's and personal items without the plaintiff's knowledge.

That, upon arrival the plaintiff reported the matter to the police station that the defendant sold his properties and run away.

The plaintiff prays for Judgement and decree against the defendant as for the following orders;

- I. Permanent injunction against the defendant from entering into the premise of the plaintiff at Changanyikeni.
- II. The defendant to pay the amount of 20,000,000/= being the relief of damages caused.
- III. Interest at the court rate of 7% form the date of Judgement to the date of payment.
- IV. Payment of TZS 10,000,000/=as damages resulted from Advocate fees and the disturbances caused to the plaintiff.
- V. Costs of this suit.
- VI. Any other relief that this court deem fit to grant.

The plaintiff was represented by the Learned Advocate Enid Makame. Mr. Geofrey Luyanji learned Advocate introduced to represent the defendant and appeared once. No Written statement of defense filed.

When the matter was called up for hearing the defendant was absent without notice and the plaintiff prays to proceed ex parte. Hence this ex parte Judgment the course of hearing the

plaintiff filled witness statement of Akim Joseph Mturi hereinafter referred as PW1.

According to the sworn evidence of Akim Joseph Mturi states that, he has three children with the defendant namely Christina, Elisha and Eliyah Akim Mturi. That, in 2018 the defendant with their 3 children came from South Africa to stay in his House at CHANGANYIKENI in Dar es salaam to hardship and he allowed them to stay.

That, on 7th March ,2022 he travelled to Usangi for Holiday vacation and he received a call from the school of his children (Elisha and Eliyah Akim Mturi) why they did not go to school and he called the defendant but she was not responding.

That, on the following day he came back and reported to the cell leader of the area and they opened the house only to find the defendant took everything. The witness tendered copy of list of items sold admitted as EXHIBIT P1.

These Exhibits showed different household items such as beds, mattresses, dining table with six chars, sofa set, large coffee table etc.

The witness further states that, since they were sleeping in different rooms the defendant broke into his room and sold his personal effects as well. The witness tendered photograph of

the list of the items in EXHIBIT P1 Marked as EXHIBIT P2 collectively.

He finally states that he reported the matter to police and was issued to find the defendant which was admitted as Exhibit P3 and was latter informed that the defendant was seen in South Africa.

Having read the plaint together with sworn witness statement of the plaintiff the claim of the plaintiff remained uncontested.

About the relief sought; this court considered all the relief sought except for Payment of TZS 10,000,000/=as damages resulted from Advocate fees and the disturbances caused to the plaintiff and costs of the suit.

I therefore entered Judgement against the defendant for the following orders;

- I. Permanent injunction against the defendant from entering into the premise of the plaintiff at Changanyikeni.
- II. The defendant to pay the amount of 20,000,000/= being the relief of damages caused.
- III. Interest at the court rate of 7% from the date of Judgement to the date of payment.

Right of appeal explained.

Order accordingly.

Judgment delivered this 7th day of November, 2022 in the presence of Enid Makame learned Advocate for the plaintiff and the defendant absent.

Signed: H, S. MSONGO(SRM)

07/11/2022

I CERTIFY THIS IS A TRUE COPY OF THE ORIGINAL



Signed: H, S. MSONGO(SRM)

07/11/2022