

IN THE HIGH COURT OF TANZANIA
(COMMERCIAL DIVISION)
AT DAR ES SALAAM

COMMERCIAL CASE NO. 53 OF 2003

THE BOARD OF TRUSTEES PARASTATAL
PENSION FUND.....PLAINTIFF
VERSUS
MARK-AD & PR INTERNATIONAL (T) LTD.....DEFENDANT

R U L I N G

KIMARO,J.

Having heard the Advocates submission and having gone through the application and the affidavits I will dismiss the application because of two main reasons:

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- 1. The applicant admits being in arrears and also admits that the rent arrears have not been paid.*
- 2. The affidavit of the applicant in support of the application, coupled with the submission by his advocate does not raise any triable issue at all."*

The only complaint which the applicant has given is that he had been denied an opportunity to make payment. Surely this is not a defence.

The application is dismissed with costs. Judgment is granted to the plaintiff as prayed with costs.

N.P.KIMARO,

JUDGE

19/06/2003

I Certify that this is a true and correct
copy of the original judgment entered
by the Court.
Registrar
Commercial Court
Dar es Salaam
Dated 21/06/03