

**IN THE DISTRICT COURT OF KOROGWE
AT KOROGWE**

CIVIL CASE NO. OF 2015

LETICIA LAULRENT MWINUKA

(The administratrix of the estate of

The late STEVEN LAURENT BOAZY).....

PLAINTIFF

-VERSUS-

M/S SBI INTERNATIONAL

HOLDINGS AG. (TANZANIA).....

DEFENDANT

PLAINT

- 1.** That the Plaintiff is a natural female adult person, residing and living at Hale Village, Korogwe District within Tanga region and is the appointed Administratrix of the estate of the late **STEVEN LAURENT BOAZY**, and the address of service for the purposes of this suit is:-

**LETICIA LAURENT MWINUKA,
HALE VILLAGE,
P.O.BOX 104,
KOROGWE,
TANGA.**

- 2.** That the Defendant is the registered private Company , dealing with the construction activities, the address of service for the purposes of this suit shall be pointed out to the process server by the plaintiff, alternatively is:-

**M/S INTERNATIONAL HOLDINGS AG.
(TANZANIA),**

**P.O.BOX 34653,
DAR ES SALAAM.**

3. That, the Plaintiff's claims against the Defendant is for quantum compensation of general damages of **Tshs. 90,000,000/= (ninety thousand only)**, or as may be assessed by the Court, arising out of tortures and loss of life of the late **STEVEN LAURENT BOAZY** caused by an accident occurred when the deceased was operating the machine in cause of employment as Silla Dumper Mixer Operator Technician occasioned by negligent and or careless of Defendant's failure to take precaution of its machine, plus payment of special damages of interest of **TSHS. 83,000/=** being outstanding employee's claim to current commercial rent from the date when this amount was paid to the full payment of the interest.
4. That the deceased **STEVEN LAURENT BOAZY** was an employee of the Defendant as **SILLA DUMPER OPERATOR TECHNICIAN**, at Hale station office in Korogwe District.
5. That, on 26th day of February 2014, the deceased one **STEVEN LAURENT BOAZY** and his colleagues, were assigned to work on load at Komkonga Village at Handeni District, when the deceased was on the top of the machine working, suddenly the machine turned over and hit him who subsequently died on **27th February, 2014** and his body was taken to Magunga Hospital at Korogwe District. Attached hereto and marked **Annexure "L-1"** is a copy of death certificate, of which the Plaintiff shall crave leave of this Honourable court to be read as a part of this plaint.
6. That the death of **STEVEN LAURENT BOAZY** was also confirmed by the Defendant vide form No. LDI 335 as a notice of Accident to be given by the Employer, attached hereto and Marked as **Annexure "L-2"** is a copy of that form which the Plaintiff craves leave of this Court for the same to form part of this Plaint.

7. That, the fatal accident alleged hereinabove in paragraph 5, was negligently caused by the Defendant who had a duty to ensure that the working environment was conducive to his employee.
8. That, as a result of the said accident, the Plaintiff suffered loss of dependant from his deceased husband who was a responsible father of three children, and has left a widow who is a housewife, three young sisters and his father all of which were fully dependent from the deceased. Annexed hereto and marked **Annexure "L-3"** collectively, is a copy of form LDI. 324 a letter from Korogwe labour Office showing list of deceased's dependants, a copy of a marriage certificate between the deceased and the Plaintiff and copies of birth certificates of the three children left by the deceased, of which the Plaintiff shall crave leave of this Honourable court to be read as a part of this plaint.
9. That, the Plaintiff is the legal administratrix of estate of the late **STEVEN LAURENT BOAZY** who concerns in this matter, annexed hereto and marked **Annexure "L-4"** collectively, is a copy of appointment Letter of administration and minutes of clan meeting, which the Plaintiff shall crave leave of this Honourable court to be read as a part of this plaint.
10. By reason of the said death of the late **STEVEN LAURENT BOAZY**, the Plaintiff has suffered injury, mental anguish and agony for the death and loss of dependant from his deceased husband and the whole society, companionship, guidance, consortium as the deceased was taking fully charge of the whole family, to his young sisters and his late father and was an employee serving the whole society, hence the Plaintiff claims general damages of the sum of **Tshs. 90,000,000/=** or as may be otherwise be assessed by the Honourable court plus special damages of interest of **TSHS. 83,000/=** being outstanding employee's claim to current commercial rent from the date when this amount was paid to the full payment of the interest

11. That the death was reported to the labour office at Korogwe District and the assessment of the claims by the deceased from his employer was made to the tune of **Tshs. 83,000/=** only where the agreement of payment of the assessed money was made between the Plaintiff and the Defendant, annexed hereto and marked **Annexure "L-5"** is a copy the letter dated 21st January, 2015, which the Plaintiff shall crave leave of this Honourable court that the same form part of this plaint.

12. That the assessed amount was very minimum compared to the dependants left by the deceased whereby the labour office of Korogwe district recognized and informed the Defendant to increase the amount under humanity ground to enable the dependants to afford their basic needs but the Defendant neglected or ignored to pay heed hitherto. annexed hereto and marked **Annexure "L-6"** is a copy of the assessment letter and the averred agreement, which the Plaintiff shall crave leave of this Honourable court that the same form part of this plaint

13. That the cause of action occurred at Komkonga area in Handeni District and the deceased was employed by the Defendant at Hale Office in Korogwe District within Tanga region, and for purposes of jurisdiction and court fees, this Honourable Court is vested with jurisdiction to entertain this suit.

WHEREFORE the Plaintiff prays for Judgment and Decree against the Defendant as follows;

- i) Payment of special damages of interest of **TSHS. 83,000/=** being outstanding employee's claim to current commercial rent from the date when this amount was paid to the full payment of the interest.
- ii) Payment of **Tshs. 90,000,000/=**, or as may be assessed by the Honourable Court, as quantum compensation arising out

of tortures and loss of life of the deceased, **STEVEN LAURENT BOAZY.**

- iii) Interest on the decretal amount from the date of the accident to date of filling of the case at bank's rate of 32% per annum.
- iv) Interest on the decretal amount from the date of filling the case to date of judgment at bank's rate of 32% per annum.
- v) Interest on the decretal amount from the date of judgment till date of full payment at the court's rate of 7% per annum.
- vi) Costs of the suit.
- vii) Any other relief(s) as the Honourable Court may deem just and fit to grant.

Dated at Korogwe this.....day of.....
2015

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THE
PLAINTIFF

VERIFICATION

I, LETICIA LAURENT MWINUKA (administratrix of the estate of the LATE STEVEN LAURENT BOAZY), being the Plaintiff above verify that all what is stated in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 are true to the best of my own knowledge.

Verified at Korogwe this.....day of.....2015

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LETICIA LAURENT MWINUKA

Presented for filing at Korogwe this.....day of.....
2015

.....
COURT
CLERK

Drawn & Filed by:-
LETICIA LAURENT MWINUKA,
P.O.BOX 104,
KOROGWE,
TANGA

Copies to be served upon:-
THE MANAGER.
SBI INTERNATIONAL HOLDINGS AG.(TANZANIA)
P.O.BOX 34653,
DA ES SALAAM.