1. PLAINT – This is a pleading served by the plaintiff in a Court action containing the allegations made against the defendant and the relief sought by the plaintiff.

CONTENTS OF PLAINT

CPC CAP 33 ORDER VII RULE 1.

The plaint shall contain the following particulars;-

(a) the name of the court in which the suit is brought;

(b) the name, description and place of residence of the plaintiff;

(c) the name, description and place of residence of the defendant, so far as they can be ascertained;

(d) where the plaintiff or the defendant is a minor or a person of unsound mind, a statement to that effect;

(e) the facts constituting the cause of action and when it arose;

(f) the facts showing that the court has jurisdiction;

(g) the relief which the plaintiff claims;

(h) where the plaintiff has allowed a set-off or relinquished a portion of his claim, the amount so allowed or relinquished; and

(i) a statement of the value of the subject matter of the suit for the purposes of jurisdiction and of court fees, so far as the case admits.

SAMPLE OF A PLAINT

THE UNITED REPUBLIC OF TANZANIA
IN THE HIGH COURT OF TANZANIA
(MWANZA DISTRICT REGISTRY)
AT ARUSHA

CIVIL CASE NO. .....OF 2018

BETWEEN

WILLIAM S. MRUTU .....
PLAINTIFF
AND
PANGU PAKAVU CONSTRUCTION LTD..... .....DEFENDANT

PLAINT

Opening statement

The Plaintiff above named states as follows:-

Address for the Plaintiff

- **That,** the Plaintiff is a natural person, adult, ordinarily residing at Arusha, Arusha municpal and his proper address of service for the purposes of this suit shall be under the care of:-

  A&Q LAW CHAMBERS (ADVOCATES),
  3RD FLOOR NSSF TOWER,
  MANDELA ROAD,
  P.0.BOX 3014,
  ARUSHA, TANZANIA.

Address for the Defendant

- **That,** the Defendant is a limited liability company established under the laws of Tanzania carrying on business at **Arusha** and his proper address for service and purpose of this suit shall be communicated to the Court process server in due cause.

The plaintiff's claim

- **That,** the Plaintiff claims against the defendant the payment of 600 million arising from the contract for construction of residential house.

The agreement

- **That,** on 28th May, 2017 the Plaintiff and Defendant entered into agreement for the construction of the residential house at the consideration of 600 million. ***The copy of the said agreement is hereby attached and marked as "DT-1" and leave of the Court is sought to form part of the Plaint.***

Payment

- **That,** the whole amount of 600 million which is subject to the contract was paid in the same day when the agreement was signed.

The time.

- **That,** the completion date of the contract agreed between Plaintiff and Defendant was 19th April, 2018, to date nothing has been done.

Indication of loss and damage.

- **That,** by the matter aforesaid(above), the Plaintiff suffered loss and damage arising as his time and money were wasted by the defendant, as to date nothing has been done though the whole amount was paid in the same day.

Jurisdiction of the Court

- **That,** the cause of action arose in Arusha and the orders sought are within the jurisdiction of this honorable Court.

WHEREFORE: The Plaintiff prays for judgement and decree against the defendant as follows, for:-

- An order declared that a defendant has breached the contract.
- An order for payment of Tshs 600 millions being amount paid to the defendant for the construction of the house.
- An order for payment of 20% interest for the amount stated of 500 millions and for the time wastage.
- An order for payment of general damages to be assessed by the Court.
- An order for payment of 20% on general damages.
- An order for payment of costs.
- Any other relief the Court may deem fit and just to grant.

DATED at **ARUSHA** this ..... day of ----------2018

.....

.....

PLAINTIFF **PLAINTIFF'S ADVOCATE**

VERIFICATION

I **William S. Mrutu,** being Plaintiff herein do hereby verified that what is stated in paragraphs **1, 2, 3, 4, 5, 6,** and **7** is true to the best of my knowledge, while paragraph **8** is the information I received from my advocate.

Verified at ARUSHA this.....day of 2018

.....

PLAINTIFF

Presented for filing this ..... day of .....,2018

.....

REGISTRY OFFICER

COPY TO BE SERVED UPON:
DEFENDANT

DRAWN AND FILED BY:
MOHAMED JUMA (ADVOCATE),
GREAT LAW CHAMBERS (ADVOCATES),
3RD FLOOR NSSF TOWER,
MANDELA ROAD,
P.O. BOX 3014,
ARUSHA, TANZANIA.

2. WRITTEN STATEMENT OF DEFENCE – Is a defendant's written answer or reply to a statement of claim (Plaint), admitting or denying each and every one of the facts contained in the statement of claim (Plaint) and alleging such facts as the defendant wishes to assert at trial in opposition to the plaintiff's case.

As under CPC CAP 33 ORDER VIII RULE 1.-(1) *Where a summons to appear has been issued, the defendant may, and if so required by the Court*

shall, ***within seven days*** *before the first hearing, present a written statement of his defence.*

SAMPLE OF A WRITTEN STATEMENT OF DEFENCE

THE UNITED REPUBLIC OF TANZANIA
IN THE HIGH COURT OF TANZANIA
(MWANZA DISTRICT REGISTRY)
AT ARUSHA

CIVIL CASE NO. .....OF 2018

BETWEEN
WILLIAM S. MRUTU.....
PLAINTIFF
AND
PANGU PAKAVU CONSTRUCTION LTD..... .....DEFENDANT

WRITTEN STATEMENT OF DEFENCE

The defendant herein states as follows;-

- **That,** the contents of paragraph 1 & 2 of the Plaint are noted.
- **That,** the contents of paragraph 3 of the Plaint are denied. The Defendant denies claims and liability as alleged.
- **That,** the contents of paragraph 4 are noted.
- **That,** the contents of paragraph 5 and 6 are disputed and Plaintiff is put into strictly proof.
- **That,** the contents of paragraph 7 of the Plaint are disputed. The Defendant denies liability for any losses and damages alleged to have been suffered by Plaintiff.
- **That**, save to the Jurisdiction of the Court, the contents of paragraph 8 of the Plaint are disputed.

WHEREFORE, the Defendant prays for dismissal of the suit with costs.

DATED at ARUSHA this.....day of.....2018

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PRINCIPLE OFFICER OF THE DEFENDANT
DULY AUTHORIZED TO SIGN AND ABLE
TO DEPOSE TO THE FACTS OF THE CASE.

.....

ADVOCATE FOR THE DEFENDANT

VERIFICATION

I **, JOHN JACKSON ,** the Managing Director of the Defendant herein, do hereby verified that what is stated in paragraphs 1, 2, 3, 4, 5, and 6 is true to the best of my knowledge.

Verified at ARUSHA this.....day of 2018

.....

JOHN JAKSON

Presented for filing this ..... day of .....,2018

.....

REGISTRY

OFFICER

COPY TO BE SERVED UPON:
JABIRI YUSUPH (ADVOCATE),
A&Q LAW CHAMBERS (ADVOCATES),
3RD FLOOR NSSF TOWER,
MANDELA ROAD,
P.O. BOX 3014,
ARUSHA, TANZANIA.

DRAWN AND FILED BY:
MWAJUMA HASSAN (ADVOCATE)
KABWE & CO ADVOCATES
P.O.BOX 9282

Ngorongoro street, Plot No. 1721
P.O. Box 7945,
ARUSHA, TANZANIA.

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