

**IN THE HIGH COURT OF TANZANIA  
DAR ES SALAAM DISTRICT REGISTRY**

**AT DAR ES SALAAM**

**CIVIL REVISION NO. 37 OF 2019**

*(Arising from Misc. Civil Application No. 168 of 2016; Origin  
Civil Case No. 249 of 2002 RM's Court Kinondoni)*

**JOHN HAYGHAIMO ..... APPLICANT**

**VERSUS**

**HILDA ZAIDI ..... RESPONDENT**

**CONSENT JUDGMENT**

15/6 & 15/6/2020

**S.M. KULITA, J.**

The applicant herein one JOHN HAYGHAIMO filed this application praying for this court to call and examine the records of the Resident Magistrate's Court of Dar es Salaam at Kinondoni in the Misc. Civil Application No. 168 of 2016 entered on the 23<sup>rd</sup> August, 2019 so as to satisfy itself as to the correctness and legality of the order with regard to the setting aside its default judgment in the Civil Case No. 249 of 2002 entered on the 29/10/2003. In this application the sought by the applicant was for this court to revise the ruling and order of

Kinondoni Resident Magistrate's Court on the said decision it made on the 23/8/2019.


Before the appeal being heard the parties mutually agreed to settle the matter out of court. They amicably agreed each other by filing the deed of settlement comprising the following conditions:-

1. That the applicant shall pay a total of Tanzania shillings Five Million (TZS. 5,000,000/=) only to the Respondent being the agreed amount for settling this matter conclusively.
2. That the said amount will be paid in two instalments as follows; The first instalment of Tanzania Shillings three Million (TZS.3,000,000/=) only to be paid on the 30<sup>TH</sup> June, 2020 and the balance of Tanzania shillings Two Million (TZS 2,000,000/=) only to be paid on the 31<sup>st</sup> July, 2020.
3. That the application that was filed in this Honourable Court on 19<sup>th</sup> September, 2019 shall be marked settled.
4. That in the event the Applicant fails to pay the agreed amount as hereinabove; this matter will proceed as if the negotiation for settlement did not take place.

5. That this Deed of Settlement extinguishes the Respondent's claims of right over Plot No. 192 and the Respondent shall never claim any matter related to the said plot.

6. Each party shall bear his/her own costs in respect of this matter.

Upon the parties reaching into consensus agreement to settle the matter out of court and upon the deed of settlement signed by both parties being filed to this court, under Order XXIII, Rule 3 of the Civil Procedure Code [Cap 33 RE 2020] the matter is hereby regarded settled and marked withdrawn. Each party to bear his/her own costs.



**S.M. KULITA**

**JUDGE**

**15/06/2020**