

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**(DAR ES SALAAM DISTRICT REGISTRY)**

**AT DAR ES SALAAM**

**CIVIL CASE NO. 94 OF 2016**

**BETWEEN**

**YASSIN IBRAHIM KUPAZA.....PLAINTIFF**

**VERSUS**

**LABANI S/O MWALUKASA MWATUJELELE.....1<sup>ST</sup> DEFENDANT**

**MINISTRY OF COSTITUTIONAL AND**

**LEGAL AFFAIRS.....2<sup>ND</sup> DEFENDANT**

**THE HONORABLE ATTORNEY**

**GENERAL OF TANZANIA.....3<sup>RD</sup> DEFENDANT**

### **CONSENT JUDGEMENT**

**Last order date:** 08/04/2020

**Date of Judgement:** 10/07/2020

**MLYAMBINA, J.**

The plaintiff instituted this suit against the defendant for Judgement and Decree as follows:

- a) An order that the defendants pay specific damage of TSHS 59,113,557/= to the plaintiff.
- b) An order that the defendants pay general damages of to the plaintiff TZs 20,000,000/= or as assessed by the court.

- c) An order that the defendants pay interest at bank commercial rate on the amount the plaintiff paid/lost as specific damages as well as payment of interest at the same rate be imposed at decretal amount from the date of judgement to the date of payment.
- d) Cost of the suit.
- e) Any other orders or reliefs as the honorable court may deem fit any equitable to grant.

The 2<sup>nd</sup> and 3<sup>rd</sup> defendants filed joint Written Statement of Defence opposing the suit and prayed the same be dismissed with costs. The same opposition and prayer were advanced by the 1<sup>st</sup> defendant. When the matter was scheduled for Final Pre-Trial Conference, the parties developed interests of settling the matter amicably. With the order of the court, on 10<sup>th</sup> July, 2020 the parties filed deed of settlement. Learned State Counsel Grace Lupondo for the 2<sup>nd</sup> and 3<sup>rd</sup> defendants and Anna Amon, Advocate for the plaintiff appeared and prayed the deed of settlement filed be recorded as Judgement and Decree of the court.

Having gone through the filed deed of settlement, I'm satisfied that what has been agreed is within the legal ambit. In terms of *Order XXIII Rule 3 of the Civil Procedure Code Cap 33 (R.E 2019)*, the

deed of settlement filed is hereby adopted as Consent Judgement and Decree of the court with the following orders:

1. The defendants to compensate the plaintiff the damages suffered to a tune of Tanzanian shillings thirty-five million only 35,000,000/=.
2. Plaintiff to relinquish and abandon all the claims connected to the matter at hand.
3. The defendants to effect payment of the agreed sum in 2 instalments, the 1<sup>st</sup> instalment of TZs 20, 000,000/= (twenty million only) be paid by the end of August, 2020 or before; and the installment of TZs 15,000,000/= (fifteen million only) be paid by the end of September, 2020 or before.
4. Payment of the fore stated amount be done through Access Bank Account No. 032410002 40-53 of "Legal Assistance to Victims of accidents"
5. The payment be effected by the 2<sup>nd</sup> defendant on behalf of all other defendant.
6. The Consent Judgement shall be binding upon all parties and their successors, assignees and their beneficiaries.
7. Upon full payment of the agreed sum, the plaintiff's claim shall be considered as fully discharged.
8. Each party shall bear it sown cost (if any).

Order accordingly.



**Y. J. MLYAMBINA  
JUDGE  
10/7/2020**

Consent Judgement pronounced and dated 10<sup>th</sup> July, 2020 in the presence of Anna Amoni, Advocate for the Plaintiff and in the absence of 1<sup>st</sup> Defendant, and presence of Grace Lupondo State Attorney for the 2<sup>nd</sup> and 3<sup>rd</sup> defendant.



**Y. J. MLYAMBINA  
JUDGE  
10/7/2020**