

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

**AT DAR ES SALAAM**

**MISC. CIVIL CAUSE NO. 444 OF 2020**

**In the matter of the ARBITRATION AND**

**In the matter of the ARBITRATION ACT CAP. 15 [R.E. 2002]**

**KETANKUMAR VINUBHAI PATEL ..... APPLICANT  
(SOLE ARBITRATOR)**

**BETWEEN**

**RAMANLAL MOTIBHAI PATEL ..... CLAIMANT**

***VERSUS***

**SUBHASH MOTIBHAI PATEL ..... 1<sup>ST</sup> RESPONDENT**

**VEER RAMANLAL PATEL ..... 2<sup>ND</sup> RESPONDENT**

*Date of last order:30/09/2020*

*Date of Ruling: 06/10/2020*

**R U L I N G**

**MGONYA J.**

In this Application, the Applicant **KETANKUMAR VINUBHAI PATEL**, the Sole Arbitrator is seeking for orders of this Court that:

- (a) This Honorable Court be pleased to register Final Award dated 22<sup>nd</sup> August, 2020 given at Dar es***

***Salaam by Ketankumar Vinubhai Patel, Sole Arbitrator capable of being enforced as a decree of court; and***

***(b) Any other relief(s) this Honorable Court may deem fit and just to grant.***

The Application is made under **section 12 (2) of the Arbitration Act, Cap. 15 [R. E. 2002]** and duly supported by an affidavit of **KETANKUMAR VINUBHAI PATEL**, the Sole Arbitrator hereto.

When the matter came for hearing on 30<sup>th</sup> of September 2020, the Claimant was represented by **Ms. Benadetha Shayo** the learned Advocate, while the Respondents herein were represented by learned Counsel **Jerome Msemwa** respectively.

Upon receiving the Copy of the Final Award attached to this Application duly signed by the Sole Arbitrator **KETANKUMAR VINUBHAI PATEL** on 22<sup>nd</sup> August, 2020; It came to the knowledge of this Honourable court that, pursuant to hearing for directions between the parties dated on 20<sup>th</sup> August, 2020 and subsequent mediations dated on 20<sup>th</sup> August, 2020 and 22<sup>nd</sup> August, 2020, Parties herein have subsequently signed the Memorandum of Understanding on 22<sup>nd</sup> August, 2020 and the Final Award was made to that effect. The terms and conditions agreed by Parties are as hereunder:

- 1. The shareholding of these companies is agreed to be affectively 50.50.***
- 2. The companies will declare a dividend of US \$50,000 (United States Dollars Fifty Thousand only) a month to be distributed equally between the two shareholders.***
- 3. The property of Sea Cliff residence be held in trust equally for Sangeeta Subhash Patel and Veena Ramanlal Patel. This property will be leased by Motisun Group at an annual rental of net US \$120,000 (United States Dollars One Hundred Twenty Thousand only). The rent will be reviewed according to the market conditions every 2 years. However, the rental so decided cannot be below US \$120,000 (United States Dollars One Hundred Twenty Thousand only).***
- 4. That Raman to be granted by the companies US \$1,000,000 (United States of Dollars One Million only) for repair or purchase of house and or a fiat. These properties will be personal assets of Raman.***
- 5. That Raman shall personally own the house where he is staying. All utilities and domestic worker expenses will be paid for by the companies.***

- 6. That personal assets of Subhash and Raman be treated as their own and neither party will have a claim against the other parties' personal assets.***
- 7. That Raman to find a place to make his office/business premises. The rent of this place to be paid by the companies to a maximum of Tshs. 8,000,000/= (Tanzanian Shillings Eight Million only) per month.***
- 8. Medical expenses of Raman Patel to be paid by the companies.***
- 9. The Trust Deed dated 11<sup>th</sup> February, 2016 remains valid. However, the shareholding and other terms to apply as per MoU dated 22<sup>nd</sup> August, 2020.***
- 10. Both the parties agree to maintain cordial relations, not to malign the name of the other and not to hurt the companies in any way. The parties agree that this agreement shall be kept confidential.***
- 11. Any disputes arising from this agreement or any other disputes arising between the parties be referred to the arbitrator Ketankumar Vinubhai Patel whose decision will be final.***

Since I have noted that both Parties herein by their own free will and volition have decided and agreed to sign the Memorandum of Understanding and upon the Arbitrator forward the said Final Award to this Honourable Court for

Registration; Consequently, the said **FINAL AWARD** is **hereby registered to be the Final Decision and pronounced to be as good as FINAL DECREE of this Honourable court in respect of this matter to that effect.**

Parties are ordered to live and abide by the above agreed terms and conditions as they appear above and in the Final Award.

In the event therefore, **Civil Application No. 444 of 2020** is hereby marked **granted.**

It is so ordered.



**L. E. MGONYA**  
**JUDGE**  
**06/10/2020**

**Court:** Ruling delivered in my chambers in the presence of Mr. Sylvester Shayo, Advocate for the Claimant, Mr. Jerome Msemwa, Advocate for the Respondents and Ms. Mayalla RMA, this 06<sup>th</sup> day of October, 2020.



**L.E. MGONYA**  
**JUDGE**  
**06/10/2020**