

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

ARUSHA DISTRICT REGISTRY

AT ARUSHA

MISC. CIVIL APPLICATION NO. 99 OF 2020

(Originating from Karatu District Court in Civil Appeal No. 12 of 2020)

BENEDICT NKINI..... APPLICANT

VERSUS

OBREY LYIMO..... RESPONDENT

CONSENT RULING

13/9/2021 & 15/11/2021

ROBERT, J:-

This consent ruling stems from a Deed of Settlement filed in this Court on 13/09/2021. By way of background, the applicant, Benedict Nkini, brought this application against the respondent, Obrey Lyimo, for the following reliefs;

- i. That, this Honourable Court be pleased to grant extension of time to file an appeal out of time from the Judgment of the District Court of Karatu in the Civil Appeal No. 12/2020 delivered on August 12th, 2020 by Hon. E.E Mbonamasabo.
- ii. Any other relief (s) this Honourable Court shall deem fit and just to grant.

On 13th September, 2021, the applicant in this application appeared in person, unrepresented while the respondent was represented by the learned advocates Mr. Sylvester Eligawesa and Ms. Lucy Nambuo. Both parties expressed their desire to have this matter settled out of Court and lodged a Deed of Settlement on the same day setting out the terms and conditions upon which they are willing to settle the matter. Having examined the terms and conditions in the lodged Deed of Settlement, this Court is satisfied that this matter has been adjusted wholly by the parties' lawful compromise.

In the circumstances, pursuant to Order XXIII Rule 3 of the Civil Procedure Code, Cap. 33 R.E. 2019 this Court orders that the Deed of settlement filed by parties herein on 13th September, 2021 is hereby recorded and forms part of the Judgment and Decree of this Court. The matter is therefore marked settled on the basis of the terms and conditions of the Deed of Settlement agreed upon by the parties.

It is so ordered.



A handwritten signature in blue ink, appearing to read "K.N. Robert", is written over the seal.

K.N.ROBERT
JUDGE
15/11/2021