

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MTWARA
AT MTWARA
CIVIL CASE NO. 09 OF 2020

AHMAD OMARY HASSAN (*Administrator of the estate of Adam Ahmad*) **1ST PLAINTIFF**

SAID ALLY IBRAHIMU (*Administrator of estate of Abdulmaliki Said and Omary Said*) **2ND PLAINTIFF**

BRUCE CHRISTIAN ZENDA **3RD PLAINTIFF**

GETRUDA JEREMIA **4TH PLAINTIFF**

VERSUS

GOODLUCK MASSAWE **1ST DEFENDANT**

BADRWIN MASSAWE **2ND DEFENDANT**

RELIANCE INSURANCE CORPORATION **3RD DEFENDANT**

JUDGEMENT

DEED OF SETTLEMENT OF A SUIT

(Made under section 95 read together with Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E.2002)

Court Order on: 11/02/2021

Final Court Decree on: 16/2/2021

NGWEMBE, J.

The third plaintiff Mr. Bruce Christian Zenga was not among the plaintiffs who agreed with the defendants to settle their claims amicably. Thus, the other plaintiffs amicably settled their claims against the defendants by



registering a Deed of Settlement, which resulted into this court's judgement dated 5th November, 2020.

The background of the plaintiff's claim as appears in the Plaint was for payment of TZS 7, 150,000/= specific damages; TZS 20 million as general damages; and interest accrued therein with costs. However, when this case came for mediation on 5th February, 2021 the parties were successfully mediated and unanimously agreed to enter into a Deed of Settlement. The said Deed of Settlement which was executed and signed by both parties was registered in this court on 10th February, 2021.

The registered Deed of Settlement is hereby adopted as part of this judgement of this court. The terms and conditions comprised in the Deed of Settlement are as follows:-

1. The 3rd Defendant has agreed to pay the 3rd Plaintiff a total sum of Tanzanian Shillings Ten Million only (Tshs. 10,000,000/=) the amount whereof is accepted by the 3rd Plaintiff as a full and final satisfaction of the whole claim;
2. The 3rd Defendant shall deposit the settled sum to the account of the 3rd Plaintiff within 2 weeks of filing the Deed of Settlement in Court. Payment shall be done in the following bank details:-
Bank name: Tanzania Postal Bank,
Bank Account name: Bruce C. Zenda,
Bank Account: 007 – 00099686.
3. The settlement amount shall be paid in one and equal instalment;

4. Upon full and final settlement of the amount, the 3rd Plaintiff shall discharge all liabilities against the Defendants herein and shall have no any further claim whatsoever as against the Defendants arising out of the said motor vehicle accident;
5. That parties agree that, this agreement constitutes a final agreement between them and supersedes all previous negotiations except on the terms expressly agreed herein and upon the same being filed in court it shall immediately become a decree of the Court having full force and effect as any other decree of the Court;
6. Each party shall bear its own costs of the suit.

Now, it is hereby declared that, the Executed Deed of Settlement effective from the date filed in this Court on 10th February, 2021, bind both parties to this suit and to the subsequent applications or suits arising from the same motor vehicle accident. Therefore, this Court doeth hereby, invoke section 95 and Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E. 2019, to mark Civil Case No. 09 of 2020 amicably settled. Further proceed to adopt the Terms and Conditions enshrined in the Executed Deed of Settlement and quoted verbatim hereinabove, holistically, adopted forming part of this Court Decree.

I accordingly Order.

DATED at Mtwara this 16th day of February, 2021.



A handwritten signature in blue ink, appearing to be "P.J. Ngwembe", is written above the printed name.

P.J. NGWEMBE
JUDGE
16/02/2021