

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

**IN THE DISTRICT REGISTRY OF ARUSHA**

**AT ARUSHA**

**LAND CASE NO. 71 OF 2017**

- 1. BERTHA LYIMO.....1<sup>ST</sup> PLAINTIFF**  
**2. ESTHER KIMAMBO.....2<sup>ND</sup> PLAINTIFF**  
**3. PETER EXAVERY.....3<sup>RD</sup> PLAINTIFF**  
**4. GRACE R. M. MANOK.....4<sup>TH</sup> PLAINTIFF**  
**5. SOFIA A. MAMUYA.....5<sup>TH</sup> PLAINTIFF**  
**6. SIFAEEL E. KIWOLI.....6<sup>TH</sup> PLAINTIFF**

**VERSUS**

- 1. RELI ASSETS HOLDINGS COMPANY LTD.....1<sup>ST</sup> DEFENDANT**  
**2. TANZANIA BUILDINGS AGENCY.....2<sup>ND</sup> DEFENDANT**

**CONSENT JUDGMENT**

**2/03/2021 & 03/03/2021**

**M. R. GWAE, J**

This is a consent judgment arising from a mutually acceptable settlement by the parties above. Primarily, the plaintiffs above brought this suit against the defendants herein for the following reliefs;

1. A declaration that the disputed properties which are house no. 109, 110, 111, 112, 116 and 119 belongs to the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> plaintiffs respectively.

2. An order against the 1<sup>st</sup> defendant not to demolish the disputed properties which were acquired legally.
3. An order against the 1<sup>st</sup> defendant to remove X marks from the disputed properties with the immediate effect.
4. A permanent injunction against the 1<sup>st</sup> defendant from interfering the plaintiffs in peaceful enjoyment of the disputed properties.
5. In alternative, the 2<sup>nd</sup> defendant be ordered to refund the plaintiffs the purchase price together with the interest to be assessed by the court if it will be established that the same were sold to the plaintiffs illegally.
6. General damages for the disturbances as well as mental sufferings to the plaintiffs as may be assessed by the court.
7. Interest on the decretal amount from the date of judgment till the date of payment in full.
8. Costs of the suit be provided for.
9. Any other relief(s) this Honourable Court deems just to grant.

The plaintiffs in this case are under the legal representation of the learned counsel **Mr. George Mnzava** while the respondents are represented by **Mr. Peter Museti** assisted by **Mr. Mkama Msalama** – both the learned State Attorneys. As the parties' pleadings were complete, immediately before commencing hearing the counsel for the defendants sought for adjournment of

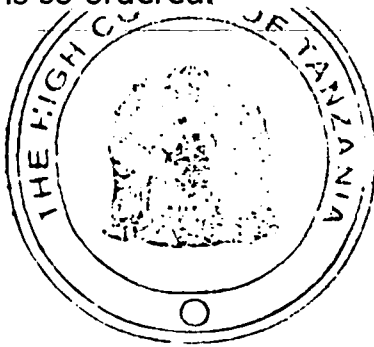
the hearing as parties were working on an amicable settlement. This was followed by various prayers of adjournments by the parties and on 04/02/2021 the parties' deed of settlement was duly filed before this court.


Accordingly, the parties' deed of settlement is hereby adopted to form part of the court's proceedings, and I further make the following orders;

1. That, the parties are bound with the terms and conditions stipulated in the Deed of Settlement duly filed and subsequently adopted by this court.
2. That, the defendants shall refund to the plaintiffs the paid-up purchase price by the plaintiffs as follows;
  - a) 1<sup>st</sup> Plaintiff TZS 29,105, 560.00
  - b) 2<sup>nd</sup> Plaintiff TZS 17,105,560.00
  - c) 3<sup>rd</sup> Plaintiff TZS 29,105,560.00
  - d) 4<sup>th</sup> Plaintiff TZS 19,695, 578.00
  - e) 5<sup>th</sup> Plaintiff TZS 27,550,000.00
  - f) 6<sup>th</sup> Plaintiff TZS 33,550,000.00
3. That, the defendants shall pay each plaintiff an interest of 7% of the total paid up purchase price from the last date of final payment to the date of signing of the deed as follows;
  - a) 1<sup>st</sup> Plaintiff TZS 12,224,335.00

8. The plaintiffs shall remove only external additional developments which does not affect structural soundness of the building/house upon approval by the 2<sup>nd</sup> defendant.
9. That, full payments of the agreed amount and vacancy possession by the defendants shall constitute final and conclusive settlement of any claim against the defendants by the plaintiffs.
10. That, the above orders read together with terms of the deed of settlement shall form a decree of the court capable of being executed, consequently, this suit is marked as settled.

It is so ordered.



  
**M. R. GWAE**  
**JUDGE**  
**03/03/2021**