

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

AT TABORA

MISC. CIVIL APPLICATION NO. 5 OF 2021

*(Originating from the Decision of the Resident Magistrate Court of
Tabora at Tabora in Execution Case No. 07 of 2018)*

IGOGO AMCUS LTD ----- APPLICANT

VERSUS

BEATUS MASSAWE t/a SSELEKO Diplomat Traders ----- RESPONDENT

COURT ORDER

30/04 & 07/05/2021

BAHATI, J.

This application was preferred to this Court by the applicant hereinabove referred to as Igogo AMCUS LTD against the respondent Beatus Massawe t/a SSELEKO Diplomat Traders.

The applicant sought an order of this Court to lift Garnishee Order of Execution Case No. 07 of 2019, costs of this application, and any other relief which this court may deem fit and just to grant.

When the matter was called for hearing Ms. Flavia Francis learned advocate appeared for the applicant whereas Mr. Kelvin Kayaga learned advocate appeared for the respondent.

Ms. Flavia informed this court that the parties would like to file a deed of settlement whereby two cases that are pending in this court will be considered for settlement, she, therefore, prayed to file a deed of settlement within a week.

In reply, Mr. Kelvin Kayaga conceded to a prayer made by the applicant's advocate that they will file a deed of settlement.

Within time, parties managed to file Executed Deed of Settlement which features three conditions mutually agreed upon.

1. That the amount claimed by the respondent which is Tanzanian shillings 17,500,000/= will be paid in 3 installments as follows;
 - I. The first installment will be paid in May, 2021 at the tune of Tanzania shillings 4 million;
 - II. The second installment will be paid between August and September, 2021 at a tune of Tanzania shillings 8 million.
 - III. The last installment will be paid in July, 2022 at a tune of Tanzanian shillings 5,500,000/=.
2. That both parties agreed that the Applicant's bank account be re-opened and be lifted from Garnishee Order entered against Bank

Account No: 510660000108 which is NMB Bank Account Mihayo Branch.

3. That it is hereby agreed by both parties that upon filing this deed of compromise of suit the same shall form part of the Ruling and Drawn Order of the Court capable of being executed.

Having received the said Deed of Settlement, I hereby declare that the Deed of Settlement executed on 30th April, 2021 binds both parties to this suit and I hereby mark Misc. Civil Application No. 5 of 2021 amicably settled.

COURT DOTH ORDERS that; the terms and conditions enshrined in the Executed Deed of Settlement are adopted to constitute part of this Court Order.



A handwritten signature in black ink, appearing to read "A. A. Bahati", is written over a circular stamp.

A. A. BAHATI

JUDGE

07/05/2021

Date: 7/05/2021

Coram: Hon. J. Mdoe, Ag DR

Applicant: Present

Respondent: Absent

B/C: Grace Mkemwa, RMA

Flavia Francis for the applicants who are present the respondents are absent, it was coming for ruling we are ready.

Court: Judgment is ready and delivered in chamber by Ag Dr. Hon. J Mdoe today 07/05/2021.



Sgd: J. Mdoe

Ag DR

07/05/2021

