

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

LAND CASE APPEAL NO. 37 OF 2019

(From the Decision of the District Land and Housing Tribunal of Mtwara District at Mtwara in
Land Case No.10 of 2018)

**ABILLAH MKAPUNDA MTONDO (Administrator of the Estate of the late
Yusuph Liama Likubwa).....APPELLANT**

VERSUS

**SAID AHMAD YUSUPH (Administrator of the Estate of the late Rashid
Ahmad Yusuph).....1ST RESPONDENT**

MUSSA RASHID.....2ND RESPONDENT

DEED OF SETTLEMENT OF AN APPEAL

11 August, 2021

DYANSOBERA, J.:

The appellant on 12th day of December, 2019 lodged this appeal challenging the decision of the District Land and Housing Tribunal for Mtwara at Mtwara dated 18.10.2018 in which the appellant's suit was dismissed in its entirety for being res judicata. According to the petition of appeal, the appellant seeks this court to nullify, quash and set aside the decision of the said Tribunal and order the matter be heard de novo.

While the appeal was pending in this court, the appellant and 2nd respondent mutually agreed to reach an amicable settlement between themselves on the understanding that it is to their mutual benefits and best interest that the matter should be so amicably settled, the said parties have filed a DEED OF SETTLEMENT to be adopted by this court as the decree of the court.

The Deed of Settlement which the parties have agreed and which I adopt as part of the judgment of this court is as follows:

1. That the parties have agreed to divide the disputed land on their own will whereas, the appellant got 3 (three) acres and the 2nd respondent got 3 (three) acres as well.
2. That, the parties hereby have visited the locus in quo and already demarcated by their respective pieces of land with permanent marks.
3. That, the parties hereby commit themselves to be bound by the boundary marks in their respective lands.
4. That, this Deed of Settlement shall be filed in the High Court of Tanzania at Mtwara District Registry at Mtwara and shall be marked as the decree of the said court.
5. That, upon execution of this Deed of Settlement, the dispute shall be marked as conclusively determined whereas: the Appellant shall abandon the claims against the 1st Respondent as well.

6. That, neither party shall execute the trial Tribunal Decree nor file bill of costs.
7. That each party herein shall bear his own costs herein this court.
8. That the parties hereby unanimously agree that, the terms and conditions of this deed shall be recorded by this Honourable Court as a decree of the Court.
9. That the appellant hereby withdraws the appeal against the 1st respondent.

The terms and conditions of this Deed of Settlement are hereby recorded as the decree of this court.

It is so ordered.





W. P. Dyansobera

Judge

11.8.2021

Delivered at Mtwara this 11th day of August, 2021 in the presence of the 2nd respondent and Mr. Robert Dadaya, learned counsel for the appellant but in the absence of the 1st respondent.




W. P. Dyansobera

Judge