

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

**ARUSHA DISTRICT REGISTRY**

**AT ARUSHA**

**CIVIL APPEAL NO. 2 OF 2021**

(Originating from the RMs' Court of Arusha in Civil Case No. 88 of 2018)

**TANZINDIA ASSURANCE CO. LIMITED..... APPELANT**

**VERSUS**

**SADICK TWAHA SADICK**

**T/A ARUSHA EXPRESS..... RESPONDENT**

**CONSENT JUDGMENT**

14/12/2021 & 14/12/2021

**ROBERT, J:-**

This consent judgment emanates from a mutually acceptable settlement by the parties upon signing a deed of settlement which was duly filed in this court on 10/12/2021.

Primarily, the appellant above brought this appeal against the respondent herein based on the following grounds;

- i. That, the Honourable Resident Magistrate erred in law and fact for allowing the claim by the respondent while there was no proof that she paid compensation claimed and granted in civil case No. 55 of*

*2017 (Juliana Wilard Kimaro V Edso Abdalah Ihucha & Sadick Twaha t/a Arusha Express) in order to have a no cause of action against the appellant.*

- ii. That, the court erred in law and fact in entertaining the matter which did not have jurisdiction.*
- iii. That, the court erred in law and fact in failing to determine the real question of law ought to be determined.*
- iv. That, the Honourable Resident Magistrate erred in law and fact in granting order which were not claimed.*

The appellant was represented by Mr. Machwa Hanson, learned counsel while the respondent was represented by Mr. Issa Mavura, Learned counsel.

Prior to the hearing of the appeal the parties arrived to a settlement on the terms and conditions which were set as final settlement of all claims against the respondent in the deed of settlement duly signed by both parties.

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


- i. The respondent to pay the Applicant the total amount of Tanzania Shillings fifteen million and five hundred thousand (Tshs.

15,500,000/=) being the total, final and full settlement of the applicant's claim and entitlements.

- ii. That the amount of Tshs. 15,500,000/= will be paid in full on or before 31<sup>st</sup> day of December 2021 via CRDB Bank in account number 015246992000 named Sadick Twaha Sadick.
- iii. That by this deed of settlement the appellant's claims against the respondent herein are hereby relinquished, waived and each party expressly waives all actions past, present and future in relation to this matter as long as the terms and conditions of this agreement are adhered to and that each party shall bear its own costs.

It is so ordered.



  
K.N. ROBERT  
JUDGE  
14/12/2021