

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
[IN THE DISTRICT REGISTRY OF ARUSHA]**

AT ARUSHA

MISC. CIVIL APPLICATION NO. 26 OF 2021

(C/F High court of Tanzania at Arusha PC. Civil Appeal No. 23 of 2019)

REJINA SENDEU.....APPLICANT

VERSUS

FATUMA MPOTO.....RESPONDENT

RULING

16th June 2022

TIGANGA, J.

As the rightly submitted by the counsel for the parties, parties had dispute which originated in the Probate Case initially filed before Bonga Primary Court of Babati District. The decision before the trial Primary Court did not settle dispute between the parties, consequent of which the applicant filed revision before the District Court of Babati that Civil Revision No. 03 of 2019, which overturned the decision of Primary Court.

Following that decision in revision, the current respondent field an appeal before the High Court via PC Civil Appeal No. 23 of 2019, which was allowed thereby quashing and setting aside the decision of the District Court in Civil Revision No. 03 of 2019.

Further dissatisfied by the decision, the current applicant commenced the appeal process to appeal to the Court of Appeal of Tanzania. But having realized that he was late, he filed this application asking for extension of time to apply for leave to appeal to the Court of Appeal.

When this application was called for hearing, both counsel addressed the court that they have settled the dispute, and therefore they demanded this court to record the settlement deed, which they filed on 15th June, 2022.

In the deed of settlement, they agreed and asked the court to record the same.

- (i) That the respondent to make payment of Tshs. 20,000,000/= Twenty millions to the applicant Rejina Sendeu, from the estate of the late Ibrahim Abdallah Sheshe herein referred to as the deceased as the final settlement of the claim.
- (ii) The amount will be paid in one instalment, after the respondent had withdrawn the deceased pension funds.
- (iii) That the applicant Rejina Sendeu will be entitled, out of that money Tshs 10,000,000/= ten million while the remaining Tshs 10,000,000/= ten million, will be shared equally by her

sons, Samwel Ibrahim Abdallah Sheshe and Emmanuel Ibrahim Abdallah Sheshe

- (iv) That payment by the respondent and receiving by the applicant and her sons, shall preclude them from further claim from the executrix of the estate deceased
- (v) That each party shall bear its own costs.


Having satisfied itself that the deed was executed by the parties and that it carries their intention and decision. I hereby order that the deed of settlement be adopted as the judgment of this court and be read together with this ruling.

The Decree in appeal be extracted from the Deed of settlement. Immediately after this ruling the original file sent to Primary Court for execution of the deed of settlement and this ruling.

It is accordingly ordered.

DATED at ARUSHA this 16th June, 2022




J. C. TIGANGA
JUDGE