

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF DAR ES SALAAM)
AT DAR ES SALAAM
LAND REVISION NO. 08 OF 2021

**THE REGISTERED TRUSTEES OF
CHAMA CHA MAPINDUZI APPELLANT**

VERSUS

**JUVENS LUWI MGONDAWILE (administrator
of the Estate of Luwi Mgondawile1st RESPONDENT
KATIBU CCM – TUNDU2ND RESPONDENT**

CONSENT JUDGEMENT
(DEED OF SETTLEMENT)

*(Made under section 95 read together with Order XXIII Rule 3 of the Civil Procedure
Code Cap 33 R.E.2019)*

Last court order on: 10/6/2022

Consent judgement date on: 13/6/2022

NGWEMBE, J.

The appellant in this land revision was aggrieved with the judgement and decree of the District Land and Housing Tribunal for Kilosa in land application No. 53 of 2006 and Land appeal No. 103 of 2017 together with application No. 45 of 2014 hence preferred this revision, inviting this court



to call upon and satisfy on their correctness, legality or appropriateness of those records.

In the cause of pleadings and immediately prior to the hearing, parties appeared in this court and together, informed this court that they had intensive negotiations with a view to settle this matter amicably out of court. Therefore they applied for more time to prepare and sign a deed of settlement which prayer was blessed by this court. At last they filed in this court a Deed of Settlement (HATI YA MAKUBALIANO) comprising seven (7) terms and conditions.

Upon perusal to the filed Deed of Settlement, all parties signified their consent by putting their signatures against their names in the presence of an advocate Catherine E. Mushi and they filed in this court on 10th June, 2022.

This court therefore, proceed to adopt the Terms and Conditions of the registered Deed of Settlement filed by the disputants herein, to form part and parcel of this Consent Judgement. The Terms and Conditions of the Deed of Settlement written in Kiswahili Language is quoted verbatim hereunder: -

1. Kwamba pande zote mbili kwenye maombi ya marejeo Na. 8 ya 2021 inayoendelea katika mahakama hii zimeridhia kwa kuafikiana kumaliza mgogoro huo kwa amani nje ya mahakama kwa lengo la kudumisha udugu, ujirani na urafiki bora baina yao;
2. Kwamba, mwombaji na Wajibu Maombi wamekubaliana kuwa eneo lenye mgogoro ni mali halali ya Mwombaji (Baraza la

Wadhamini wa Chama cha Mapinduzi) na kwa muda wote litakuwa linatumiwa na Mwombaji bila usumbufu wowote kutoka kwa wajibu maombi ikiwa ni pamoja na warithi wao wote;

3. Kwamba, pande zote mbili zimekubaliana kuwa zitashirikiana kwa pamoja kuziondoa kesi zote ambazo zinaendelea katika Mahakama hii zikiwemo kesi ya kukazia hukumu iliyofunguliwa na Mjibu maombi Namba Moja (1) na maombi ya marejeo Na. 8 ya 2021 yaliyofunguliwa na Mwombaji bila gharama yoyote kwa pande zote mbili;
4. Kwamba, hii HATI YA MAKUBALIANO inafuta migogoro yote na stahiki zote ambazo upande wowote ulipata kutoka kwenye mahakama yoyote au chombo chochote cha utoaji haki;
5. Aidha HATI hii itatumika kama zuio kwa pande zote mbili kufungua kesi/shauri lenye chanzo cha mgogoro wa aina hii;
6. Kwamba, kwa kusaini makubaliano haya, na endapo yatapokelewa mahakamani na kuwa sehemu ya hukumu ya hiari kwa pande zote mbili, hivyo basi, HATI hii itakuwa sehemu ya HUKUMU HALALI ya Mahakama na itafasiliwa kwa mujibu wa sheria za nchi; and
7. Kwamba, endapo upande wowote utashindwa kuondoa kesi zinazoendelea Mahakamani au chombo chochote cha utoaji haki basi HATI hii haitakuwa na maana tena na kila upande utakuwa na hiari ya kurudi awali yake aliyokuwepo kabla ya kusainiwa kwa HATI hii.



Simple interpretation of the above terms and conditions agreed upon by disputants is to close and mark all cases pending before this court and in tribunals amicably settled.

Now, this court, proceed to grant the prayer of the disputants to the effect that, the executed Deed of Settlement effective from the date of filing in this Court, that is, on 10th June, 2022, binds all parties herein and to the subsequent applications or suits arising from the same cause of action. Accordingly, this Court doeth hereby, invoke powers under section 95 and Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E. 2019, to mark Land Revision No. 8 of 2021 Amicably Settled. Further, the Terms and Conditions comprised in the executed Deed of Settlement as quoted verbatim hereinabove, holistically, adopted hereto, forming part of this court Judgement and Court Decree.

I accordingly Order.

DATED this 13th day of June, 2022.



P.J. NGWEMBE
JUDGE
13/06/2022

Court: Consent Judgement is delivered in chambers on this 13th day of June, 2022 in the presence of the Applicant and in the absence of the Respondents.



P.J. NGWEMBE
JUDGE
13/6/2022

