

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MOROGORO)
AT MOROGORO

MISC. CIVIL APPLICATION NO. 06 OF 2022

(Originating from Civil Application No. 02 of 2021 before Juvenile Court of Morogoro)

MOHAMED NASSORO NGALAWA..... APPLICANT

VERSUS

MGANI HASSANI HAMISI 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: 20/6/2022

Consent judgement on: 21/6/2022

NGWEMBE, J.

This application is a result of trial court's ruling delivered by the Juvenile Court in Misc. Civil Application No. 2 of 2021 whereby, the trial court issued orders to be complied with the applicant. In the cause, the applicant was dissatisfied with such ruling, but he could not challenge it by way of an appeal because, he was already out of time. Hence ventured to this court for extension of time to appeal out of time.

The genesis of this application is a love affair between the disputants which was blessed by a baby boy. However, the father of such child did not perform his responsibility to take care of, hence a dispute was instituted in a Juvenile Court, which resulted into orders presumed to offend the applicant, hence this application for extension of time.

In the cause of pleadings, parties under assistance of applicant's advocate Niragira engaged into vigorous negotiations out of court. Finally, and before the hearing date, they executed a deed of settlement same was filed in this court on 20/6/2022. The Deed of Settlement comprised eleven (11) terms and conditions which binds them.

Therefore, this court proceed to adopt those Terms and Conditions of the executed Deed of Settlement to form part and parcel of this Consent Judgement. The Terms and Conditions of the Deed of Settlement drafted in Kiswahili Language are quoted verbatim hereunder: -

1. Kwamba mleta maombi na mjibu maombi wanatambua kuwa Nassoro Mohamed Ngalawa mwenye miaka 2 ni mtoto wao.
2. Kwamba imekubalika kuwa mtoto ataendelea kuishi na kuwa chini ya uangalizi wa mjibu maombi hadi atakapofikisha miaka saba (7).
3. Kwamba mleta maombi ataendelea kutoa gharama za matunzo ya mtoto kwa kutoa shilingi za kitanzania laki moja (Tzs. 100,000/=) kila mwezi. Malipo haya yatafanyika kupitia akaunti namba 22110098384 NMB.
4. Kwamba mleta maombi atamfungulia mtoto (Nassoro Mohamed Ngalawa) bima ya afya.



5. Kwamba mleta maombi atalipia kodi ya nyumba ya kuishi mtoto na mjibu maombi hadi mtoto atakapofikia miaka saba (7) baada ya miaka saba mleta maombi atamchukua mtoto.
6. Kwamba mleta maombi atakuwa na haki ya kumuona mtoto kila mwisho wa mwezi baada ya kumpa taarifa mjibu maombi.
7. Kwamba mleta maombi atagharamia gharama za masomo kwa kulipa ada za masomo na malipo mengine yote kuhusiana na shule atakayokuwa anasoma mtoto pindi mtoto atakapoanza shule. Malipo haya yatafanyika moja kwa moja shuleni. Mleta maombi atawajibika kumtafutia shule ya kusoma mtoto na kutoa mahitaji yote pia kukiwa na mahitaji mengine ya mtoto mleta maombi anaweza kufanya kwa hiari kama baba wa mtoto.
8. Kwamba makubaliano haya yamefanyika kwa nia njema na kila upande unaahidi kutekeleza majukumu yake katika makubaliano haya kwa wakati na kuahidi ushirikiano na upande mwingine katika mambo yote yatakayowezesha ufanisi katika kutekeleza majukumu katika makubaliano haya.
9. Ikiwa upande wowote utashindwa kutekeleza majukumu yake katika makubaliano haya na au kukiuka makubaliano haya basi atakuwa anakiuka amri halali ya Mahakama.
10. Kwamba makubaliano haya yatatolewa na kusajiliwa katika Mahakama Kuu ya Tanzania (Morogoro Sub Registry) kama makubaliano na baada ya kusajiliwa makubaliano haya yatatekelezwa kama amri halali ya Mahakama hiyo.



11. Makubaliano haya yameandaliwa katika nakala tatu na kila moja itachukuliwa kama nakala halisi.

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 20th 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 Misc. Civil Application No. 06 of 2022 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.

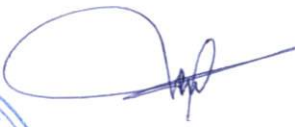

I accordingly Order.

DATED this 21st day of June, 2022.



P.J. NGWEMBE
JUDGE
21/06/2022

Court: Consent Judgement is delivered in chambers on this 21st day of June, 2022 in the presence of the Applicant and the Respondent.

P.J. NGWEMBE
JUDGE
21/6/2022