

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

**BUKOBA DISTRICT REGISTRY**

**AT BUKOBA**

**(PC) CIVIL APPEAL NO. 17 OF 2021**

*(Arising from Civil Appeal No. 27 of 2021 of Muleba District Court and originating from objection proceedings No. 4 of 2021 of Nshamba Primary Court at Muleba District and Civil Case No. 21 of 2018 of Nshamba Primary)*

**GUKEKA VOCATION TRAINING CENTRE GVTC.....APPELLANT**

**VERSUS**

**DUGUZA F. CHAPAKAZI.....1<sup>ST</sup> RESPONDENT**

**JOSIAH R. NSANGILA.....2<sup>ND</sup> RESPONDENT**

**MAJEMAJE AUCTION MART AND COURT**

**BROKERS LIMITED.....3<sup>RD</sup> RESPONDENT**

**CONSENT JUDGMENT.**

15/07/2022

**E. L. NGIGWANA, J.**

On 27<sup>th</sup> day of August 2021, the appellant herein through the legal services of advocate Mr. Samwel Kiula, learned counsel filed this appeal against the respondents named herein above praying for the following orders;

- (1) That this appeal be allowed with costs.*
- (2) That the proceedings, ruling and orders of the Muleba District Court emanating from Civil Appeal No. 27 of 2021 be quashed and set aside.*

*(3) An order for the parties to return to the Primary Court of Nshamba at Muleba District with a proper form for objection proceedings in Primary Courts so that the court can investigate the title over the objected proceedings.*

~~*(4) Any other relief this honourable court may deem fit and just to grant.*~~

The brief background of this matter is to the effect that; in 2018, the 2<sup>nd</sup> respondent Josiah R. Nsangila successfully sued the first respondent Duguza F. Chapakazi for receiving of **Tshs. 16,050,000/=**, however, he had never enjoyed what was declared as his right owing to the reason that there were a sequence of objection on any attempt of executing the court decree. On 26/07/2021, the District Court of Muleba (A.H. Mwetindwa, SRM) in Appeal No. 27 of 2021 filed by the Appellant, originating for objection proceedings No. 4 of 2021 gave a judgment that the execution of Civil Case No. 21 of 2018 should proceed with immediate effect. It is that decision which prompted the filing of this appeal.

On 15<sup>th</sup> day July 2022, the parties appeared before the court and prayed to have their Deed of Settlement registered by this court as forming part of the judgment and Decree of this court.

Having been satisfied that the Deed of settlement exhibit the parties' agreement to cordially end the matter with the terms and conditions set therein and given to the prayer by the parties to have it registered as forming the judgment and Decree of this court, a consent judgment is therefore entered.

In accordance with the terms, and conditions set out in the Deed of Settlement, this court decrees that such terms and conditions form the decision of this court in respect of this appeal. In the event, this appeal is hereby marked settled.

It is so ordered.

Dated at Bukoba this 15<sup>th</sup> day of July, 2022.



  
E. L. NGIGWANA

JUDGE

15/07/2022