

**IN THE HIGH COURT OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)  
AT DAR ES SALAAM**

**EXECUTION NO. 8 OF 2022**

**NCBA BANK TANZANIA LIMITED .....DECREE HOLDER**

**VERSUS**

**M/S BLACK GOLD COMPANY LIMITED.....1<sup>ST</sup> JUDGMENT DEBTOR**

**JASWINDERPAL SINGH MANN .....2<sup>ND</sup> JUDGMENT DEBTOR**

**KULJINDER SINGH MANN.....3<sup>RD</sup> JUDGMENT DEBTOR**

**RULING**

**MASABO, J:-**

Upon the parties amicably resolving their dispute in the course of mediation, this court decreed that that decreed the defendant to pay a sum of Tshs. 267,104.502.68 (comprising of the principal sum of Tshs 257,104,502.68 plus interest, penalties and costs to a tune of Tshs 10,000,000/) payable in 4 installments the last one being on 31<sup>st</sup> December 2021. The decree has so far remained unsatisfied. On 28<sup>th</sup> January 2022, the decree holder moved this court for execution of the decree by way of arrest and detention of the judgment debtors as civil prisoners. While this application was still pending, the applicant filed a deed of adjustment of their decree executed by all the parties and prayed that the same be adopted and the decree be adjusted accordingly.

The provision of Order XXI Rule 1(1) (b) and (2) of the Civil Procedure Code, [Cap 33 RE 2019] under which the prayer for adjustment is made provides that, all money payable under a decree can be made out of court to the decree holder in which case, the decree holder shall certify such payment or adjustment of the decree to the court whose duty is to execute the decree and the court shall record the same accordingly.

I have carefully examination the deed for adjustment of the judgment and decree filed in court by the parties and found it to be in a good order. In view of this and the certification by the Decree Holder's counsel as to the terms of the deed for adjustment, this court hereby adjusts the judgments and decree as follows:

1. The penalties, interest and costs to a tune of Tshs 10,000,000/= is waived;
2. The remaining unpaid sum of Tshs 257,104,502.68 (comprising of the principal sum only) shall be paid through 12 postdated cheques of Tshs 19, 757, 876 which the decree holder has already received from Manish Aggarwal who is the guarantor of the 1<sup>st</sup>, 2<sup>nd</sup> nd 3<sup>rd</sup> judgment debtors.

3. Each cheque shall be paid to the bank for consecutive months reckoned from 31<sup>st</sup> July, 2022

4. The decretal sum payable above shall be credited into the following Decree Holder's Bank Account:

ACCOUNT NAME: LOAN RECEIVABLE SUSPENSE ACCOUNT

ACCOUNT NUMBER: TAS126550059

BANK NAME: NCBA BANK

SWIFT CODE: CBAFTZTZ

Order accordingly.

**DATED at DAR ES SALAAM** this 5<sup>th</sup> August 2022.

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Signed by: J.L.MASABO

**J.L. MASABO**  
**JUDGE**

