

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

BUKOBA DISTRICT REGISTRY

AT BUKOBA

CIVIL CASE NO. 04 OF 2022

SHARED INTEREST SOCIETY LIMITED.....PLAINTIFF

VERSUS

NKWENDA RURAL PRIMARY COOPERATIVE

SOCIETY LTD.....DEFENDANT

CONSENT JUDGMENT

01/08/2022

E. L. NGIGWANA, J.

This is a consent judgment arising from a mutually agreed settlement by the parties here in above.

The plaintiff is a Limited liability company incorporated in the United Kingdom having its Regional Office in Nairobi Kenya. The company deals among other things with lending money with interest. On the other hand, the defendant is a legal entity duly registered under the Cooperative Societies Act, No. 6 of 2013, carrying its business in Kyerwa District in Kagera Region.

The above named plaintiff filed this suit praying for judgment and decree against the defendant as follows;

- (a) Payment of USD 158,332 being an amount due and payable to the plaintiff arising from credit facility advanced to the defendant, plus interest thereto.*

- (b) General damages at USD 40,000.*
- (c) Interest on (a) above at the rate of 11.75% per annum from 18th August 2015 till the date of judgment.*
- (d) Interest on the decretal sum at the rate of 7% per annum from the date of judgment to the date of full payment.*
- (e) Costs of and incidental to the suit.*
- (f) Any other reliefs as the court may deem fit and just to grant.*

Whereas on 21st day of July 2022 when the parties appeared before me for mediation, they agreed to settle their dispute amicably to maintain their relationship and reduce several costs that would be incurred during the full trial of the suit to its finality.

In the light of the foregoing, the Deed of settlement filed by the herein parties this 1st day of August, 2022 is hereby recorded. Further to this, the court makes an order that, the Deed of Settlement dated 01/08/2022 forms part of judgment and decree of this court in the instant case, capable of being executed.

For the afore stated reasons, this case is marked settled on the following terms and conditions agreed upon in the Deed of Settlement:-

1. That, total amount to be paid to the plaintiff is USD 139,000 in three equal installments @ USD 46,333 as follows;
 - (a) 1st Installment shall be effected on or before 31st December, 2022.
 - (b) 2nd Installment shall be effected on or before 31st December, 2023 and

(c) 3rd Installment shall be effected on or before December, 2024

2. That the said amount shall be paid through:

USD Account No. 00057498

Swift: **ABBYGB2L**

Sort Code: **09-07-15**

Iban: **GB52ABBY09071500057498**

3. That the plaintiff shall not claim further costs and interests against the defendant in this case.

It is so ordered.

Dated at Bukoba this 1st day of August, 2022.




E. L. NGIGWANA

JUDGE

01/08/2022