

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

BUKOBA DISTRICT REGISTRY

AT BUKOBA

(PC) CIVIL APPEAL NO. 14 OF 2022

*(Originating from the decision of the District Court of Ngara at Ngara in Civil Appeal No. 11 of 2021
rendered on 23rd day of December, 2021 by Honorable F.H. Kiwonde, SRM)*

RWECHUNGURA JOHN.....APPELLANT

VERSUS

PATRICK OGO.....RESPONDENT

CONSENT JUDGMENT

31/08/2022

E. L. NGIGWANA, J.

This is a consent judgment that arose from a Deed of Settlement entered and agreed successfully by the parties in this appeal and filed in court on 31st day of August, 2022.

Initially, the respondent sued the appellant in the Primary Court Nyamiaga within Ngara District in Kagera Region, claiming for unpaid loan of **Tzs. 11,000,000/=** out of **Tshs. 18,000,000/=** alleged to have been advanced to him.

After a full trial, the trial court was satisfied that the appellant owes the respondent the sum of **Tshs. 11,000,000/=**, hence ordered the appellant to pay the respondent such amount.

Being aggrieved, the appellant appealed to the District Court of Ngara at Ngara. The appeal was registered as Civil Appeal Case No. 11 of 2021.

After hearing the appeal, the District Court was satisfied that the claim had been proved to the required standard.

Consequently, the appeal was dismissed with costs.

Being aggrieved by the decision of the 1st appellate court, the appellant knocked the doors of this court to challenge the same.

Prior to the hearing of the appeal, the parties arrived to a settlement on the terms and conditions which were set in the Deed of settlement duly signed by both parties, and filed in court on 31/08/2022. They prayed for the same to be recorded to form part of the decree of this court.

Having gone through the Deed of Settlement, I am satisfied that the same reveal that the parties herein have arrived amicably into a lawful agreement for settlement which disposed the whole appeal.

Therefore, the Deed of Settlement entered is accordingly recorded judgment as emphasized by the Court of appeal of Tanzania in **Motor Vesse Sepideh and Another versus Yuduph Mohamed Yusuph and Two Others**, Civil Application No. 237 of 2013 (unreported) that;

"Where there is a lawful agreement or compromise, the court is bound to record settlement once it is arrived by the parties."

I further make the following orders;

- (1) The amount of **Tshs. 11,000,000/=** shall be paid within a duration of eleven (11) months in four (4) installments as follows;
 - (a) *The first Installment of Tanzanian Shillings Three Million (**Tshs. 3,000,000/=**) shall be paid within the month of September, 2022.*

- (b) *The second installment of Tanzania Shillings three million (**Tshs. 3,000,000/=** shall be paid within the month of January, 2023.*
- (c) *The third installment of Tanzania Shillings three million (**Tshs. 3,000,000/=** shall be paid within the month of April, 2023.*
- (d) *The fourth installment of Tanzania Shillings two million (**Tshs. 2,000,000/=** shall be paid within the month of July, 2023.*
- (2) The appellant shall deposit the agreed amount of money for every installment into the respondent's CRDB Account No. **0152566236700** with the name of **PATRIC ABEID OGO**.
- (3) Following this Deed of Settlement, entered by parties and adopted in this judgment, the respondent's claims against the appellant herein are hereby relinquished, and each party expressly waives all actions past, present and future in relation to this matter as long as the terms and condition of this agreement are adhered to.
- (4) Each party shall bear his own costs in respect of this matter.

It is so ordered.

Dated at Bukoba this 31st of August, 2022.

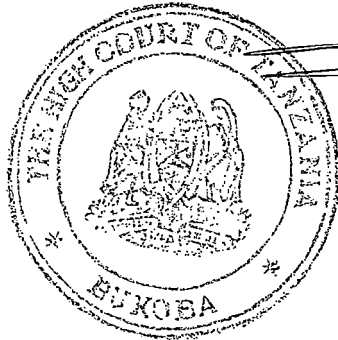



E. L. NGIGWANA

JUDGE

31/08/2022

Consent judgment delivered this 31st day of August, 2022 in the presence of both parties in person, Hon. E.M. Kamaleki, Judges' Law assistant and Ms. Tumaini Hamidu, B/C.



E. L. NGIGWANA

JUDGE

31/08/2022