

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB- REGISTRY OF DAR ES SALAAM**

AT DAR ES SALAAM

MISCELLANEOUS CIVIL APPLICATION NO. 343 OF 2021

IN THE MATTER OF THE ARBITRATION ACT [ACT NO. 2 OF 2020]

IN THE MATTER OF REGISTRATION OF THE ARBITRAL AWARD

BETWEEN

NAGAT AHAMAD MUHAMAD MUKHTAR APPLICANT

VERSUS

HAMADI MOHAMED HAMED RESPONDENT

RULING

14th, & 16th September, 2022

ISMAIL, J.

The applicant emerged a victor in the arbitration proceedings that pitted her against her counterpart, the respondent. The proceedings culminated in the award which granted the applicant the following reliefs:

- (i) The sum of USD 30,000.00 plus interest thereon at 10%, less TZS. 6,460,000/- that was initially advanced to the applicant;

- (ii) Accrual of interest at the rate of 2% per month as a result of delays in effecting full payment of the decretal sum; and
- (iii) Costs of the matter.

The arbitral award was issued by the Tanzania Institute of Arbitrators, Tanzania, on 8th July, 2022.

There is no record that the respondent disputed or challenged the award. This triggered the applicant's journey to realize the fruits of the award. The starting point is to institute this matter with a view to moving the Court to register the arbitral award as if it were a decree of the Court. This will be followed by execution of the award in the manner that will be craved by the applicant or award holder.

When the matter came up for hearing, it was informed that the respondent had been traced and informed of the existence of the matter but to no avail. Upon production of proof of service and, there being no appearance by him, the Court ordered that the application be heard *ex-parte*. Subsequent to this order, Mr. Shabaan Marijani, learned counsel who represented the applicant urged the Court to grant the prayer and register the award based on the averments enumerated in the petition.

I have unflinchingly gone through the petition that founded the instant proceedings, and the award itself. My sole conviction is that this application

has what it takes to be awarded. Consequently, and, consistent with section 73 (1) of the Arbitration Act (supra) the same is granted and the award is registered. Upon registration, the award shall and be eligible for enforcement as if it were the judgment, ruling or order of this Court. Accordingly, this Court issues an order to the effect that the award dated 8th July, 2022, be enforced in the same manner the other judgments and decrees are passed. The following terms of the award shall dictate the parties' conduct:

1. That the respondent pays the applicant the sum of USD 30,000.00 plus interest thereon at 10%, less TZS. 6,460,000/- that was initially advanced to the applicant;
2. That the sum in item (1) be paid within 60 days from the date of registration of the award;
3. That in the event of default in the full satisfaction of the decretal sum, an interest, at the rate of 2% of the decretal sum, shall be payable for each month of delay until full settlement of the decretal sum. Interest payment shall run from the date of the award; and

4. That the respondent shall pay the costs of the claim incurred during the arbitral proceedings and in these proceedings.

DATED at DAR ES SALAAM this 16th day of September, 2022.



M.K. ISMAIL

JUDGE

16.09.2022

