

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF MWANZA

AT MWANZA

LAND CASE No. 35 OF 2015

KHAJI ABUBAKAR ATHUMAN PLAINTIFF

VERSUS

DAUDI LYAKUGWILE t/a D.C. ALLUMINIUM DEFFENDANT

CONSENT JUDGMENT

20/4/2022 & 22/4/2022

ROBERT, J:-

The Plaintiff, Khaji Abubakar Athuman, filed an action against the Defendant herein seeking: a declaratory order that he is the lawful owner of the suit premises measuring one and half acres located along the Airport road about 100 Metres from lake shores of Lake Victoria at Makongoro-Tampere area; a declaratory order that the defendant trespassed into the suit premises and cut down the trees and horticultural valued at TZS 1,447,430,133/=; payment of TZS 1,447,430,133/= being specific damages and TZS 100,000,000/= as general damages and costs of the suit.

According to the Plaint, the suit premises was purchased by the Plaintiff in 1976 and the Plaintiff's ownership has never been interrupted by any person. The Plaintiff occupies ownership of the suit premises

under customary title having failed to secure a granted right of occupancy despite constant efforts made to the relevant authorities. He averred that, sometimes in 2006 the Defendant trespassed into the suit premises and cleared almost 1/8 of his land by cutting down trees of different species over the land and constructed a hut inside the disputed land.

Parties in this matter were represented by Messrs Salim A. Fundikira and Marwa K. Samwel, learned counsel for the Plaintiff and Respondent respectively.

Prior to the hearing of this matter, parties in this case agreed to resolve their dispute amicably based on the terms and conditions contained in a "Deed of Settlement" duly signed by both parties and filed in this court on 20th April, 2022.


Having gone through the said "Deed of settlement" this Court is satisfied that parties in this case have wholly compromised their suit and settled their differences in respect of the claims made by the plaintiff. Therefore, this Court enters consent judgment on the basis of the consensus agreement reached by both parties.

On the basis of the foregoing, I hereby order that the "Deed of Settlement" signed by both parties and filed in this Court on 20th April,

2022 constitutes part and parcel of this consent judgment and shall form a decree of the Court capable of being executed.

It is so ordered.




K.N. ROBERT
JUDGE
22/4/2022