

THE UNITED REPUBLIC OF TANZANIA
JUDICIARY
IN THE HIGH COURT OF TANZANIA
(DISTRICT REGISTRY OF MOROGORO)
AT MOROGORO
LAND APPEAL CASE NO. 26 OF 2021

WILBARD OLIMI APPELLANT

VERSUS

DANIEL CHILOSA1ST RESPONDENT

CARORICK CARLOS CHILOSA2ND RESPONDENT

THABIT HAMOUD C/O SALAMA DAHAI3RD RESPONDENT

CONSENT JUDGEMENT

(DEED OF SETTLEMENT)

(Made under section 95 read together with Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E.2019)

Last court order on: 22/4/2022

Consent judgement date on: 28/4/2022

NGWEMBE, J.

This consent judgment emanates from the Land Appeal No. 26 of 2021 instituted by the appellant Wilbard Olomi trying to challenge the decision of the District Land and Housing Tribunal, delivered on 01/10/2021.

When this appeal was called for hearing on 22/4/2022, Prof. Binamungu learned advocate for the appellant, informed this court that parties herein

are at the final stages of settling the matter amicably out of court. Consequently, the hearing was rescheduled to 27/4/2022, whereby parties may file their Deed of Settlement on or before it, otherwise, hearing will proceed.

Within the agreed time frame, parties executed a Deed of Settlement, signed and filed in this court, hence this consent judgement.

This court therefore, proceed to adopt the Terms and Conditions of the filed Deed of Settlement to form part and parcel of this Consent Judgement, recorded verbatim hereunder: -

1. That, this appeal be marked settled;
2. That, all pending matters in the District Land and Housing Tribunal connected to this case, to wit Application No. 192 of 2019 between the same parties in form of counter claim be also marked settled;
3. That, the application for bill of costs arising out of application No. 192 of 2019 between the Respondents against the Applicant pending in the District Land and Housing Tribunal for Morogoro, be also marked settled;
4. That, both parties (sides) agree that each side bear its own costs here and below;
5. That, there should never be any future cases or applications against each other whose essence is the dispute in this appeal and in the District Land and Housing Tribunal for Morogoro.

Now, it is hereby declared that, the executed Deed of Settlement effective from the date of filing in this Court, that is, on 27th April, 2022, binds all parties herein and to the subsequent applications or suits arising from the

same cause of action. Therefore, this Court doeth hereby, invoke powers under section 95 and Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E. 2019, to mark Land Appeal No. 26 of 2021 Amicably Settled. Further, the Terms and Conditions enshrined in the executed Deed of Settlement as quoted verbatim hereinabove, holistically, adopted hereto, forming part of this Court judgement and Decree.

I accordingly Order.

DATED at Morogoro this 28th day of April, 2022.



A handwritten signature in blue ink, appearing to read "P.J. NGWEMBE".

**P.J. NGWEMBE
JUDGE
28/04/2022**