

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(MWANZA SUB-REGISTRY)  
AT MWANZA**

**LAND CASE NO. 05 OF 2022**

**JACKSON CHARLES NDETTO.....PLAINTIFF**

**VERSUS**

**MAFON (T) LTD.....1<sup>ST</sup> DEFENDANT**  
**MATHIAS CHARLES NDETTO.....2<sup>ND</sup> DEFENDANT**  
**SIMON CHARLES NDETTO.....3<sup>RD</sup> DEFENDANT**  
**NASIBU GUNZO T/A AGUNZO ELECTRONICS.....4<sup>TH</sup> DEFENDANT**  
**BUSHIA RICHARD.....5<sup>TH</sup> DEFENDANT**  
**MUKHSIN MOHAMED.....6<sup>TH</sup> DEFENDANT**  
**THOMAS KISANDUKU.....7<sup>TH</sup> DEFENDANT**  
**ALEX GIDION CHUBWA.....8<sup>TH</sup> DEFENDANT**  
**GODFREY MSANGI.....9<sup>TH</sup> DEFENDANT**  
**FELISTER MATHEW.....10<sup>TH</sup> DEFENDANT**  
**NIONZERA MANASE.....11<sup>TH</sup> DEFENDANT**  
**MHONGORO MBISSO.....12<sup>TH</sup> DEFENDANT**  
**AMIDEUS OTTARU**  
**t/a HARNAD GENERAL SUPPLY.....13<sup>TH</sup> DEFENDANT**  
**MARTINE MAHENE AKSAD t/a MASPARE.....14<sup>TH</sup> DEFENDANT**

**JUDGMENT**

**(DEED OF SETTLEMENT)**

**1<sup>st</sup> & 2<sup>nd</sup> June, 2023**

**DYANSOBERA, J.:**

The plaintiff herein instituted this Land Case No. 05 of 2022 against the 14 defendants above claiming for orders of nullifying or revoking the agreement between the 2<sup>nd</sup>, 3<sup>rd</sup> and 1<sup>st</sup> defendants, nullifying any lease agreement entered

between the 2<sup>nd</sup> or 3<sup>rd</sup> defendants with the 4<sup>th</sup> to 14<sup>th</sup> defendants, payment of general damages as shall be assessed by the court, costs of the suit and any other reliefs as the court deems just to grant for the interest of justice.

All defendants opposed the claim. The matter was assigned before Hon. Mnyukwa, J. for trial. However, it was later brought to me for mediation purposes. After a heated deliberation, the parties led by their respective Counsel mutually agreed to have the matter settled by way of mediation. On 1<sup>st</sup> June, 2023, the parties filed a DEED OF SETTLEMENT which they prayed to be adopted by this court as the decree of the court.

The Deed of Settlement which the parties have agreed and which I adopt as part of the judgment of this court is as follows:

1. That, the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant shall pay Tshs. 250,000,000/= (Two hundred and fifty million) to the plaintiff.
2. That, the payment of the said amount described at paragraph 1 above shall be made within 6 months from the date this deed and shall be received and marked as the decree of the court.
3. That, the plaintiff shall have no further or any interest on the landed property situated at plot number 195A Block "U" Rwagasole Street Mwanza as his interest shall be vested to the 2<sup>nd</sup> and 3<sup>rd</sup> defendants.
4. That, the plaintiff shall submit Bank Account to the 2<sup>nd</sup> and 3<sup>rd</sup> defendants which operates in his name of the plaintiff for the payment to be made.

5. That, the landed property described at paragraph 3 shall be in the care and supervision of the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants.
6. That, the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants shall pay further the loan secured by the plaintiff from CRDB Bank PLC which is now at the tune of 200,000,000/= (Two hundred million within two years from the date this settlement shall be received and marked as the decree of the court.
7. That, the plaintiff shall surrender the certificate of title of Plot Number 195A Block "U" and other related documents to the 2<sup>nd</sup> and 3<sup>rd</sup> defendants within three days from the date the payment described at paragraph one above is made.
8. That, upon default of any part to perform the obligation founded in this deed one part shall have option of executing this deed.

The terms and conditions of this Deed of Settlement are hereby recorded as the decree of this court.

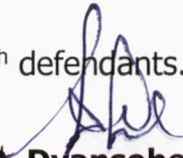


**W. P. Dyansobera**

**Judge**

**02.06.2023**

Delivered at Mwanza this 2<sup>nd</sup> day of June, 2023 in the presence of Mr. William Muyumbu, learned Counsel for the plaintiffs and Mr. John Edward, learned Counsel for the 1<sup>st</sup>, 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup> and 13<sup>th</sup> defendants.



**W. P. Dyansobera**

**Judge**

