

IN THE HIGH COURT OF TANZANIA

TEMEKE SUB-REGISTRY

(ONE STOP JUDICIAL CENTRE)

CIVIL APPEAL NO. 23 OF 2022

(Originating from Matrimonial Cause No. 32 of 2021 of Temeke District Court at One Stop Judicial Centre).

EDMUND SIMBO MUSHI.....APPELLANT

VERSUS

UPENDO SAMWELI MILLANZI.....RESPONDENT

JUDGMENT

Date of last order: 29 /05/2023

Date of judgment: 27/06/2023

OMARI, J.:

The Appellant herein was aggrieved by the decision of Matrimonial Cause No. 32 of 2021 of the Temeke District Court at One Stop Judicial Centre. Consequently, he preferred this Appeal on six grounds, all concerted on the existence of the marriage between the parties and the distribution of matrimonial properties. The Respondent filed a reply to the Memorandum of Appeal praying for the Appeal to be dismissed and the decision in Matrimonial Cause No. 32 of 2021 to be upheld.

When this Appeal was called for hearing, the Appellant had the services of Jacqueline Mushi learned advocate and the Respondent appeared in person. The parties informed this court that they were attempting an amicable settlement and prayed for time.

When the matter was called for hearing at a later date the parties informed this court that they had been successful in their attempt at settling, they have filed a deed a settlement and addressed me on its terms. As a matter of fact, they agreed that the Appellant will pay the Respondent TZS 2,000,000 as part of her contribution in the acquisition of the house in dispute. The same was to be paid in the Respondent's bank account. Further the parties agreed that the payment and subsequent acceptance of the agreed amount will render the execution of Matrimonial Cause No. 32 of 2021 as being duly completed.

As the parties have sought and reached this amicable settlement, I grant their wishes. On that account, the decision of the Temeke District Court One Stop Judicial Centre in Matrimonial Cause No. 32 of 2021 is upheld to the extent stated above. The other orders of the trial court remain the same.

For the foregoing reasons, the Appeal is dismissed to the extent that the Appellant pays TZS 2,000,000 to the Respondent, consequently the execution of Matrimonial Cause No. 32 of 2021 is rendered completed. I make no orders as to costs.

It is so ordered




A.A. OMARI
JUDGE
26/06/2023

Judgment delivered and dated 26th day of June, 2023.


A.A. OMARI
JUDGE
26/06/2023