

IN THE HIGH COURT OF TANZANIA

(DAR ES SALAAM SUB-REGISTRY)

AT DAR ES SALAAM

CIVIL CASE NO. 205 OF 2023

ATTORNEY GENERAL1ST PLAINTIFF

BOARD OF TRUSTEES OF THE

NATIONAL SOCIAL SECURITY FUND2ND PLAINTIFF

VERSUS

AB HOSPITAL CO. LIMITEDDEFENDANT

CONSENT JUDGEMENT

21st & 21st May 2024

MWANGA, J.

This is a consent judgment. It arose from a deed of settlement entered and agreed upon between the parties in this suit signed on 3rd May 2024. The settlement resulted from a suit filed by the Plaintiff seeking that this Court enter judgment and decree against the Defendants as follows;

1. That the defendant be ordered to pay the sum of TZS 172,031,785/= (Say Tanzania shillings one hundred seventy-

two million thirty-one thousand seven hundred eighty- five) only being the unremitted members statutory contributions and accumulated penalties thereon due payable to the first Plaintiff by the defendant as per paragraph 5.0 and 9.0 herein above.

On 3rd May 2024, the counsels representing parties in this suit informed the court that they had settled the whole dispute amicably, an act which was followed by filing the Deed of Settlement on the aforementioned date. When both counsels appeared in court on the above-mentioned date, they pleaded for such Deed of settlement be reduced into the consent judgment and to form part of the decree of this court.

Considering the terms and conditions outlined in the Deed of settlement in article VII from paragraphs 7.1 to 7.5 the defendant agreed to pay the outstanding statutory contributions plus penalties to the tune of TZS 172,031,785.00/= as per agreed terms in twenty-four months as clearly itemized in Article II of the Deed of Settlement starting from 30th June 2024 to 30th May 2026.

According to the payment schedule, the defendant shall pay Tshs 2,500,000/ on each month of from 30th June, 2024 up to 30th December,

2024. From 30th January, 2025 to 30th December, 2025 the defendant shall pay 8,000,000/= each month and from 30th January,2026 to 30th April, 2026 the defendant shall pay Tshs. 10,900,000/=. Lastly on 30th May, 2026 the defendant shall pay the remaining balance of Tshs. 14,931.785.00/=.

For the foregoing, the same is hereby entered accordingly to form part of this consent judgment and decree. It has been emphasized in the case of **Motor Vessel Sepideh and Another Versus Yusuph Mohamed Yusuph and Two Others**, Civil Application No. 237 of 2013 (Unreported) that where there is a lawful agreement or compromise, the court is bound to record settlement once it is arrived by the parties.

In light of the above preceding, this suit is marked settled to the extent of the settlement Deed reached by the parties per the terms and conditions contained. Each party pay its costs.

Order accordingly.



A handwritten signature in blue ink, appearing to read 'H. R. Mwangi', is centered at the top of the page.

H. R. MWANGA

JUDGE

21/05/2024