

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

TEMEKE SUB-REGISTRY

(ONE STOP JUDICIAL CENTRE)

AT TEMEKE

CIVIL APPEAL NO. 26924 OF 2023

(Arising from Matrimonial Cause No. 81 of 2021 of the district court of Temeke at Temeke One Stop Judicial Centre)

FATUMA ALLY MNUKWA.....APPELLANT

VERSUS

ALEXANDRE FRANCOIS DARROUS.....RESPONDENT

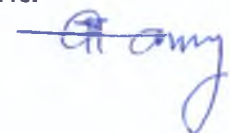
CONSENT JUDGMENT

21st June, 2024

BARTHY, J.:

This consent judgment springs from a deed of settlement duly signed by the appellant and the respondent and filed before this court on 13th June 2024.

It follows the petition for divorce filed by the respondent before the District Court of Temeke at the One Stop Justice Centre (the trial court). The parties were formerly wife and husband, who contracted a civil marriage, a union blessed with two children. The court granted the decree of divorce and the custody of the children to the respondent.



The appellant, being aggrieved by the decision and findings of the trial court, filed her memorandum of appeal to this court, advancing five grounds of appeal. She prayed for this court to set aside and quash the judgment and decree with costs.


The matter was set for the hearing of the appeal, and on 17th of April, 2024, it was ordered that the appeal would be disposed of by way of written submissions. Subsequently, on 13th June 2024 the court was informed that the parties had reached into a settlement and wished to file their deed of settlement to resolve this matter amicably.

I have thoroughly examined the deed of settlement and considered extending the application of Order XXIII, Rule 3 of the Civil Procedure Code, Cap 33 R.E. 2019, to accommodate the terms of the agreement. Consequently, the deed of settlement is adopted to form the consent judgment of this court under the following term;

1. That, the Respondent irrevocably agrees to make payment of TZS. 5,000,000/= (Tanzanian Shillings Five Million), to support her in business ventures within the specified account number 0152691976500 CRDB ACCOUNT named FATUMA ALLI MNUKWA. The said amount of money shall be transferred on 24th May upon signing of this agreement.



2. That, the Respondent shall make payment of the value of the car for duration of 2years on the said sum of TZS 300,000/= (Tanzanian three hundred thousand) per month through the Bank Account number 0152691976500 CRDB ACCOUNT named FATUMA ALLI MNUKWA. The said sum of money of TZS 300,000/= shall be paid to the appellant starting from June 2024 to June 2026.
3. That, Appellant agrees that the children will be under custody of the Respondent until when they reach age of majority.
4. That, the Appellant agrees to visit the children under the supervision of the father or any person who will be appointed by the father and also the place of visitation shall be proposed by the father.
5. That parties to this appeal have agreed that the Respondent herein shall put in a place a permanent telephone number that the Appellant will have access to, in order to communicate with the children whenever she feels like but limited to day time hours, and only when the children are out of school.
6. That, the parties agree that, this deed of settlement it marked all the claims and proceeding before the Court of law an end. Further, the parties agree that after signing this deed shall be no other claims



between the parties either in other authorities or in their respective families.

7. That, this Deed of Settlement shall be recorded as Consent Judgment of the Court and hence the Consent Decree of this Honorable Court.

In light of the above, by this consent judgment, the parties are deemed to have amicably resolved their dispute through mutual compromise, as evidenced by the terms agreed upon in the deed of settlement. Therefore, the deed of settlement, signed by the parties and filed in this court, constitutes the judgment and decree of this court. The court orders that the terms outlined in the deed of settlement be adhered to by both parties, and this judgment shall be binding and enforceable as a decree of this court.

It is so ordered.

Dated at Dar es Salaam this 21st day of June, 2024.

 *G. N. Barth*
G. N. BARTHY
JUDGE

Delivered in the presence of the appellant in person, Ms. Lucy Kiangi learned advocate for the respondent and RMA Ms. Bernadina.