

**IN THE HIGH COURT OF THE UNITED REPUBLIC
OF TANZANIA
(COMMERCIAL DIVISION)
AT DAR-ES-SALAAM
COMMERCIAL CASE NO.111 OF 2022**

RED DOT DISTRIBUTION LIMITED..... PLAINTIFF

VERSUS

HAKAM INVESTMENT LIMITED.....DEFENDANT

CONSENT JUDGEMENT

Last Order: 28/04/2023
Date of Judgment 05/05/23

NANGELA, J.:

The Plaintiff in this case has sued the Defendant seeking for Judgment and Decree against her as follows:

1. Declaration that the Defendant has breached a supply agreement executed between the Plaintiff and the Defendant.
2. Payment of the outstanding amount of US\$ 242,117.00.
3. An order of payment of 12% interest per annum on the decretal sum from the date of

judgement to the date of full settlement of the decree.

4. General Damages to the tune of TZS 100,000,000/=.
5. Costs of this suit be borne by the Defendant herein.
6. Any other reliefs as this Honourable Court may deem fit and just to grant.

When the parties appeared before me on the 26th of October 2022, the learned counsel for the Plaintiff informed this Court that, the Plaintiff was duly served with a written statement of defence together a notice of preliminary objection. The Plaintiff's counsel prayed to file a reply to the written statement of defence before the Court set for a date to hear the parties on the preliminary legal issue raised by the Defendant. This granted the Plaintiff's prayer set the matter for a mention date, which was on the 07th of December 2022.

On the material date, Mr. GodlistenLyimo, learned advocate appeared for the Plaintiff while Mr. KamazimaIddi, learned Advocate, appeared for the Defendant. When the

parties appeared they informed this Court that, the parties are engaged on a settlement discussion as they intend to have the matter settled amicably.

Since it is the interest of this Court that parties resolve their disputes amicably and as early as possible, I granted them time and the finally appeared before me on the 28th of April 2023 with a view to file a Deed of Settlement. The matter was fixed for orders on the 5th of May 2023 hoping that the parties will have time to file their proposed Deed of Settlement.

On the 3rd of May 2023, the parties herein filed their duly signed Deed of Settlement and on this 5th day of May 2023 appeared before this Court requesting that this Court be pleased to register the Deed of Settlement as per the requirements of the law and issue its final orders. As a matter of law, a Deed of Settlement will need to be scrutinized by the Court to be satisfied that it is in accordance with the law.

Having examined the Deed of Settlement, I am satisfied that it does meet the lawfulness requirement of an

enforceable Deed and does fall within the ambit of Order XXIII Rule 3 of the Civil Procedure Code, Cap.33 R.E 2019.

In view of the above, this Court proceeds to register the Deed of Settlement in accordance with Order XXII Rule 3 of the Civil Procedure Code, Cap.33 R.E 2019. The suit is therefore market settled on the terms and conditions set out in the Deed of Settlement duly signed and filed by the parties in this Court on the 3rd day of May 2023, and which Deed of Settlement form part and parcel of this Consent Judgement and Decree of this Court.

It is so ordered.

**DATED AT DAR-ES-SALAAM ON THIS 05th DAY OF
MAY 2023**



.....
**DEO JOHN NANGELA
JUDGE**