

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF  
TANZANIA**

**(COMMERCIAL DIVISION)**

**AT DAR-ES-SALAAM**

**COMMERCIAL CAUSE NO.11 OF 2023**

IN THE MATTER OF THE COMPANIES ACT

CAP 212 RE 2002

AND

IN THE MATTER OF AN APPLICATION MADE UNDER SECTION  
281(1) OF THE COMPANIES ACT CAP 212 RE 2002

AND

IN THE MATTER OF COMPULSORY WINDING UP OF ROADMIX  
TANZANIA LIMITED

AND

IN THE MATTER OF APPLICATION BY  
SOUTHLAKE RESOURCES LIMITED .....PETITIONER

VERUS

ROADMIX TANZANIA LIMITED .....RESPONDENT

Date of Last Order: 06/07/2023

Date of Judgement: 12/07/2023

**CONSENT JUDGEMENT**

**NANGELA, J.:**

The Petitioner petitioned in this court for the winding up of the Respondent company. The prayers brought to the attention of this court in her petition were couched as follows:

1. That, the Respondent be wound up  
by the court under the provisions of

the Companies Act, Cap.212 R.E  
2002.

2. That, this Honourable Court be pleased to appoint an official liquidator of the Company (the Respondent) to take possession of the assets, properties, books, accounts, and records of the Company forthwith.
3. Costs of the Petition be provided for.
4. Any other relief or order that this Honourable Court will deem just and equitable to grant.

The Respondent did file an answer to the Petition. However, when the parties appeared before this court wisdom dictated that they engage on a one-on-one discussion before this court could proceed any further. I readily granted them an opportunity to do so since it is in the interest of justice that disputes which can be swiftly dealt with by the parties amicably be allowed to be ended that way.

On the 12<sup>th</sup> day of July 2023, the learned advocate for the Petitioner Mr. Shalom Msaki, learned advocate appeared for the

in court also holding brief for the Respondent's counsel Mr. Lawi Nelson.

In his submission to the court, Mr. Msaki informed this court that an agreement to amicably end the dispute was inked and already the executed by the parties. He told the court further that a deed of settlement was filed in court. He invited this court to look at the parties' deed of settlement and record it as per the law.

The parties deed of settlement was preferred under Order XXIII Rule 3 of the Civil Procedure Code, Cap.33 R.E 2019. I have been therefore requested to register it and mark the petition as having been settled compromise of the parties. According to Order XXIII Rule 3, parties can enter a compromise and adjust their dispute either wholly or partly by a lawful agreement.

Once parties desire to settle their dispute and proceed to file a deed of settlement or compromise in court, and, if the court is satisfied that such deed of settlement does, indeed, settle their dispute either in whole or part, as the case may be, the court may order such agreement, compromise or

satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the suit.

I have taken the liberty of looking at the deed of settlement filed in court on the 06<sup>th</sup> day of July 2023 in compromise of the petition preferred in court by the Petitioner. In my view, I find it to be in order as it is duly executed by both parties.

I am satisfied, therefore, that, the deed of settlement is lawful and has lawfully adjusted the petition in whole. In view of such positive developments, this court hereby proceeds to register the deed of settlement and makes an order that the same constitutes part and parcel of this Consent Judgment as a lawful Decree of the court.

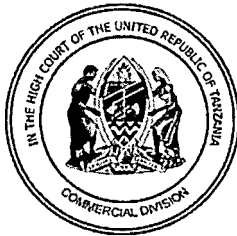
In the upshot, this court settles for the following:

1. That, the petition filed by the Petitioner herein is hereby marked settled at the compromise of the parties and on terms as they appear on the **Deed of Settlement** filed in this court.

2. That, the Deed of Settlement form  
the Decree/Order of this court.

**It is so ordered.**

**DATED AT DAR-ES-SALAAM ON THIS 12<sup>TH</sup> DAY OF JULY  
2023**



A handwritten signature in black ink, appearing to read "Nangela".

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**DEO JOHN NANGELA  
JUDGE.**

ORIGINAL