

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF
TANZANIA
(COMMERCIAL DIVISION)
AT DAR-ES-SALAAM
MISC.COMMERCIAL CAUSE NO.43 OF 2022
IN THE MATTER OF THE COMPANIES ACT CAP.212
R.E 2002
AND
IN THE MATTER OF PETITION FOR WINDING UP OF
FN TRANSPORT LIMITED**

BETWEEN

MAHMOOD BADRUDINI ALLIBHAI1STPETITIONER

SALIM MANJI.....2ND PETITIONER

AND

FN TRANSPORT LIMITEDRESPONDENT

CONSENT JUDGEMENT

Date of Last Order: 07/03/2023
Date of Judgement: 10/03/2023

NANGELA, J.:

This is a consent judgement of the Court arising from agreement by the Parties to have the Petition filed in this Court on the 17th October 2022 settled amicably. In that Petition, which was filed under section 279(1) (d) and Section 280 (a)

and 294 of the Companies Act, Cap.212, R.E 2002, the
Petitioners here in were craving for the following orders, that:

1. The Company (FN Transport Limited) be wound up by an Order of this Court under the provisions of the Companies Act;
2. This Honourable Court be pleased to appoint a Liquidator of FN Transport Limited to oversee the winding up process;
3. this Honourable Court be pleased to issue an Order that the possession of all assets of FN Transport Limited weather tangible or intangible and all is business be taken over by the said liquidator;
4. all monies realized from the assets and businesses of FN Transport Limited be utilized insatisfaction of the petitioners' debt as at the date of final settlement by the appointed liquidator.
5. both direct and incidental costs of this petition be defrayed from the acids and business of FN Transport Limited within the

hands of the appointed liquidator;

6. this Honourable Court be pleased to grant any other relief as it may deem fit to grant.

On the 19th of December 2022, when this matter was called on for orders, this Court was informed that, the parties herein intended to file a deed of settlement. On that particular day, the Petitioners were represented by Ms. Maria Ringia, learned advocate while, on the other hand, the Respondent was absent and unrepresented. This Court granted the prayer and, on the 1st of March 2023, the parties filed their duly signed Deed of Settlement.

On the 07th day of March 2023, Ms. Ringia appeared before this Court and, in the absence of the Respondent, she prayed and urged this Court to record the Deed of Settlement filed by the parties as forming part and parcel of the Judgement and Decree of the Court.

I have looked at the Deed of Settlement filed by the parties herein and, I am convinced that, it does meet the necessary requirements of an enforceable deed. In view of that

fact, this Court does, hereby, proceed to record the Deed of Settlement which forms part and parcel of this Court's consent judgment and Decree.

With all that in mind, it is hereby noted and observed that, this **Misc. Commercial Cause No.43 of 2022** has been adjusted wholly and satisfactorily by the Deed of Settlement filed in this Court on 1st of March 2023, and, in view of that, the present petition is marked "Settled at the instance of the Parties".

It is so ordered.

**DATED AT DAR-ES-SALAAM ON THIS 10th DAY OF
MARCH 2023**



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