

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF  
TANZANIA  
(COMMERCIAL DIVISION)  
AT DAR-ES-SALAAM**

**COMMERCIAL CASE NO.89 OF 2022**

JEMO INVESTMENT & GEN. ENTERPRISES LTD.....PLAINTIFF

VERSUS

CSI ELECTRICAL LIMITED .....DEFENDANT

Last Order: 10<sup>th</sup> March 2023

Judgement: 13<sup>th</sup> March 2023

**CONSENT JUDGEMENT**

**NANGELA, J.:**

This is a consent judgement. The Plaintiff sued the Defendant and is seeking from this Court, judgement and decree as follows:

1. An Order requiring the Defendant to pay the Plaintiff TZS **60,377,350/-** being the total balance confirmed by the Defendant.
2. An Order requiring the Defendant to pay the Plaintiff TZS **342,513,102.53** as potential business losses from August 2020 until August 2022.

3. Payment of Interest of 20% on the amount claimed at (1) above at the prevailing commercial rate from August 2020 to the date of judgement.
4. Interest on the decretal sum at Court's rate of 30% from the date of judgment to the date of full payment.
5. Cost of this suit
6. Any other relief as the Court may deem just to grant.

On 12<sup>th</sup> September 2022, the Defendant filed her written statement of defense. Since all pleadings were completed, the matter proceeded through to the final pre-trial stage and a hearing date was set, which date was 24<sup>th</sup> January 2023 and later rescheduled to 2<sup>nd</sup> March 2023 as the parties had indicated that they would wish to engage out of Court.

On the 2<sup>nd</sup> March 2023, when the suit was called on for orders, the learned counsel for the Plaintiff, Mr. Dennis Mwesiga, told this Court that, the parties were able to agreed and were preparing a Settlement Deed which was to be file in Court by 08<sup>th</sup> of March 2023. Ms. Tunu Alaudin, who appeared for the Defendant supported the submissions made by Mr. Mwesiga. The parties, thus, asked for an adjournment which was readily granted so as to allow them prepare and file their respective

Deed of Settlement.

On the 10<sup>th</sup> of March, 2023, the parties managed to file their Deed of Settlement. Appearing before me on the material date was Ms. Cecilia Mrisho, learned Advocate, who appeared for the Plaintiff while the Defendant enjoyed the services of Ms. Tunu Alaudin. The learned counsels informed this Court about the filing of the respective Deed and prayed that this Court be pleased to record it as forming the Judgment and Decree of the Court thereby marking the suit settled at the instance of the parties' agreement evidenced by the Deed of Settlement.

In essence, under Order XXIII Rule 3 of the Civil Procedure Code, Cap.33 R.E 2019, which forms the basis upon which a Deed of Settlement may be filed by the parties to bring to an end their disputes amicable, the Court is required to satisfy itself as to whether the agreement is lawful and compromises the suit in whole or in part. The respective provision of Order XXIII Rule 3 provides as follows:

"Where it is proved to the satisfaction of the court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject matter of the suit, the court shall 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 time to examine the respective Deed of Settlement and, having gone through it I am satisfied that it complies with the requirement of the law and does wholly settle the dispute between the parties. In view of that, I hereby proceed to record and declared it to be forming part and parcel of this Consent Judgment/Decree of the Court.

That being said, the present suit, is, therefore, marked settled at the instance of the parties and on the basis of their agreed terms and conditions set out in their Deed of Settlement executed and filed in this Court on this 10<sup>th</sup> day of March 2023, which Deed of Settlement forms the Court's Decree.

**It is so ordered**

**DATED AT DAR-ES-SALAAM ON THIS 13<sup>TH</sup> DAY OF  
MARCH 2023**



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