

**IN THE HIGH COURT OF UNITED REPUBLIC OF THE  
TANZANIA  
(COMMERCIAL DIVISION)  
AT DAR-ES-SALAAM  
COMMERCIAL CASE NO. 129 OF 2022**

YARA TANZANIA LIMITED.....PLAINTIFF

**VERSUS**

VITUS LONGINUS MGAYA ..... DEFENDANT

**CONSENT JUDGEMENT**

Last order: 27<sup>th</sup> February 2023

Judgement: 27<sup>th</sup> February 2023

**NANGELA, J.,**

The Plaintiff herein filed this suit praying for Judgement and Decree against the Defendants as follows:

1. A declaration that the Defendant is in breach of the contract for supply of fertilizers between the parties herein.
2. An order for payment of TZS 138,358,500 being an outstanding purchase price for fertilizers supplied by the Plaintiff to the Defendant;
3. Payment of interest at the rate of 5% per month from the date when the debt became due to the date of judgement.

4. Interest on the decretal amount at Court's rate from the date of judgment to the date of full satisfaction.
5. General damages.
6. Costs of this suit.
7. Any other relief as the Court may deem fit to grant.

On the 10<sup>th</sup> January 2023, the Defendant herein filed a written statement of defense, and, on the 14<sup>th</sup> day of February 2023 the Plaintiff filed a reply. The matter was set for a 1<sup>st</sup> Pre-trial Conference on the 28<sup>th</sup> February 2023.

When the parties appeared before me on the material date, the Plaintiff enjoyed the legal services of Mr. Reuben Robert, learned Advocate while Ms. Ela Tupa and Mr. Evans Lazaro, learned Advocates represented the Defendant. On the material date, this Court was informed that, the Parties have exercised their wisdom and engaged in fruitful discussions to have the suit settled amicably. They informed this Court that, once such discussions are done, the parties will file their Deed of Settlement in this Court and prayed that, the same be recorded as forming the Judgment and Decree of the Court.

This Court welcomed the submissions and on the very same date, i.e., the 28<sup>th</sup> day of February 2023, the parties inked and filed a Deed of Settlement in this Court. I have taken time to examine the Deed of Settlement filed in this Court. Having examined the said Deed, I am satisfied that the same meets the lawfulness requirements of an enforceable Deed and falls within Order **XXIII rule 3 of the Civil Procedure Code, Cap.33 R.E 2019**. It means, therefore, that the

suit has been adjusted wholly by the Deed of Settlement filed in this Court on 28<sup>th</sup> of February 2023.

With that in mind, this Court hereby proceeds and records the Deed of Settlement. The suit is, therefore, marked “**settled**” at the consent of the parties, and, on the basis of terms contained in their duly signed Deed of Settlement, which Deed of Settlement shall constitute “the Decree of this Court”.

**It is so ordered.**

**DATED AT DAR-ES-SALAAM ON THIS 3<sup>RD</sup> DAY OF  
MARCH 2023**



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