

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

LAND CASE NO. 51 OF 2022

BETWEEN

NYANZA ROAD WORKS LIMITED..... PLAINTIFF

VERSUS

RIFTVALLEY TEA SOLUTIONS LIMITED DEFENDANT

CONSENT JUDGMENT

A. MSAFIRI, J.

The plaintiff Nyanza Road Works Limited filed the suit in this Court against the defendant Rift Valley Solutions Limited claiming for the following reliefs;

- (i) An order of payment of USD 374,644.75 being the rent arrears for unpaid payment as per amount to the defendant.
- (ii) Payment of Tshs. 100,000,000/= being compensation for breach of the contract which was executed in November, 2017.
- (iii) Payment of general damages resulted from the acts of the defendant.
- (iv) Costs of this suit. *Alle*

- (v) Interests on the total amount at the Court rate from the date of judgment to the date of full settlement hereof;
- (vi) Any other relief (s) that this Honourable Court shall deem fit to grant.

On 11/8/2022 when this matter was scheduled for mention before the Court, Ms. Georgina Basil, learned advocate of the defendant informed the Court that there is ongoing settlement between the parties. She prayed for the time to pave way for negotiations for settlement to be completed. This fact was admitted by Mr. Augustino Kusalika, learned advocate for the plaintiff.

On 20/9/2022, Mr. Kusalika who was also holding brief of Ms. Basil, informed the Court that the negotiations of settlement out of Court between the parties have been finalized and a Deed of Settlement have been filed in Court to that effect. He prayed for the matter to be marked settled as per the terms of Deed of Settlement which was filed in Court on 20/9/2022.

After hearing submission of parties and having gone through the Deed of Settlement filed in the Court today on 20/9/2022, the Court finds that the parties have agreed to settle this case amicably on the terms and conditions stated in the said Deed of Settlement.

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Therefore, the Deed of Settlement is hereby adopted as the decision of the Court in the case at hand and the Court hereby pass a decree in this case pursuant to Order XXIII Rule 3 of the Civil Procedure Code, Cap.33 R. E. 2019. The decree is passed in the following terms:-

- i) The defendant to pay the plaintiff a total current outstanding sum of USD 413,007.25. The mode of payment shall be as it is described in the items 1 (d) (a) of the Deed of Settlement.
- ii) The Deed of Settlement comprises a full and final settlement of and an express waiver of all interest, costs and all other claims made by the plaintiff in the High Court of TZ (Land Division) in Land Case No. 51 of 2022 together with Miscellaneous Land Application No. 146 of 2022 and any other claims of whatever nature arising that exist for the plaintiff against the defendant.
- iii) The defendant here in shall give vacant full possession in respect of demised premises situated at plot No. 18 Vingunguti Industrial Area by 30th September 2022. Furthermore, it has been agreed that in the cause of removing furniture and other equipment, the defendant shall maintain the quality and the standard of demised premises as it was before the entering in said premises.

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- iv) The Deed of Settlement shall be binding not only on the parties, but also their representatives, successors and assignees.
- v) Each of the parties hereby acknowledges that it has been afforded the opportunity to obtain independent legal advice and confirms by the execution and delivery of the Deed of Settlement that they have either done so or waived their right to do so in connection with entering into the said Deed.
- vi) The whole contents of the Deed of Settlement are hereby adopted and shall be binding on both parties to this suit.
- vii) That each party shall bear its own costs and expenses in relation to the claims in this Court in Land Case No. 51 of 2022 together with Miscellaneous land Application No. 146 of 2022 and of any other claims arising out of the said matters.

It is so ordered.

Dated at Dar es Salaam this 20th day of September 2022.




A. MSAFIRI
JUDGE
20/9/2022