

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

**MISC LAND APPLICATION NO. 477 OF 2022**

**HAMISI SAID SEGULE.....APPLICANT**

**VERSUS**

**ACER PETROLEUM (T) LIMITED.....RESPONDENT**

*Date of last order: 19/09/2022*

*Date of Ruling: 19/09/2022*

**RULING.**

**I. ARUFANI, J**

The applicant filed in this court the present application under certificate of extreme urgency against the respondent seeking for orders of injunctions to restrain the respondent their agents, workmen servants and my persons acting under their authority from erecting or constructing or carrying any form of development on the property known as P16697 part of which the applicant's property, that is unlawfully held under a Certificate of Title in the name of ACER PETROLEUM (T) LIMITED, in the pendency of the intended suit upon the lapse of the 90 days' notice of intention to sue the Government. The applicant is also praying in alternative the court be pleased to make finding that there exist good cause for granting orders being sought therein and the costs of the application.

The application was made under Sections 68(c) and (e) and 95, and Order XXXVII Rule 1 (a) of the Civil Procedure Code, Cap 33 R. E 2019 AND Section 2(3) of the Judicature and Application of laws Act, Cap 358 R. E 2019 and is supported by the affidavit affirmed by the applicant and there is no counter affidavit filed by the respondent.

On 7<sup>th</sup> September, 2022 the parties filed in this court a deed of settlement of the matter and when the matter called today 19<sup>th</sup> September, 2022 the counsel for the applicant, Mr. Gwamaka Mwaikugile, Advocate who was present in the court alone told the court the parties have settled the matter out of the court and prayed the court to issue the necessary orders. After going through the deed of settlement filed in this court on 7<sup>th</sup> September, 2022 the court has found the parties have agreed to settle the matter out of court on the terms and conditions stated in the deed of settlement filed in the court by the parties.

After seeing the respondent has not filed counter affidavit in the court to oppose the application but they have signed the deed of settlement with the applicant as appearing in the deed of settlement the court has failed to see any justifiable reason which is making it to deny to record the settlement reached by the parties as the final order for determination and finalization of the present application.

In the premises the application is hereby marked settled out of court on the terms and conditions set out in the deed of settlement filed in the court by the parties. It is so ordered.

Dated at Dar es Salaam this 19<sup>th</sup> day of September, 2022



A handwritten signature in blue ink, appearing to read "I. Arufani".

I. Arufani

**JUDGE**

19/09/2022