

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

LAND CASE NO. 95 OF 2021

EDGEPOINT COMPANY LIMITED.....PLAINTIFF

VERSUS

JULIUS PETER NKONYA DEFENDANT

CONSENT JUDGMENT

22/3/2022 & 28/4/2022

A. MSAFIRI, J

This case was instituted in this Court by the plaintiff on 06th July, 2021 against the defendant claiming among others reliefs, for a declaration that the defendant is in breach of the lease agreement between him and the plaintiff and that the plaintiff is entitled to continue in occupation of the suit premises until the lease comes to an end as stipulated in the signed lease agreement.

However, after written statement of defence was filed by the Defendant, and before a pre-trial conference got convened, the parties entered into an agreement to settle the suit amicably. Hence, on 06th April, 2022, a Deed of Settlement duly signed by the parties was filed in Court. On 28th April 2022, Mr James Evarister, learned counsel for the Plaintiff, and Mr Francis Makota learned advocate for the Defendant, appeared before me. The plaintiff and the defendant also were present in person. The two advocates representing the parties informed the Court that the

matter should now be marked settled since the parties have filed a Deed of Settlement in Court. They prayed that the Land Case No. 95 of 2021 be settled in accordance with a filed Deed of Settlement and each party to bear their own costs. On their part the plaintiff and defendant, also informed the Court that they agree with the contents of the Deed of Settlement which has been prepared by both of them and filed in court and that the said Deed of Settlement should be final Decree of the Court and shall be binding on them.

Having looked at the filed Deed of Settlement, I am satisfied that the same does conform to the requirements of Order XXIII Rule 3 of the Civil Procedure Code Cap 33 R.E 2019. I therefore proceed to order that;

1. The Land Case No. 95 of 2021 is hereby marked settled as per the terms and conditions of the Deed of Settlement dated 06th April 2022 and which was filed in this Court on the same date 06th April 2022.
2. The Deed of Settlement is hereby adopted as a Decree of the Court and shall be binding on both parties to this suit.
3. Each party shall bear its own costs of this suit.

It is so ordered.

Dated at Dar es Salaam this 28th April 2022



A handwritten signature in blue ink, appearing to read "A. Msafiri". The signature is written over a horizontal dotted line.

A.MSAFIRI

JUDGE