

IN THE HIGH COURT OF TANZANIA

(LAND DIVISION)

AT DAR ES SALAAM

LAND CASE NO. 146 OF 2023

TANZANIA POSTS CORPORATION1ST PLAINTIFF

THE ATTORNEY GENERAL.....2ND PLAINTIFF

VERSUS

GODFREY MARTIN SILAYO t/a GODAN AND CO. ADVOCATES...DEFENDANT

CONSENT JUDGMENT

Date: 15/4/2024.

A. MSAFIRI, J.

The plaintiffs hereinabove have filed this suit against the defendant. The 1st plaintiff claims that she has entered into a lease agreement with the defendant whereby the defendant consented to rent a house which is owned by the 1st plaintiff. The House is located at Posta House, Plot No. 6&7, Ohio Street/Ghana in Ilala, Dar es Salaam.

That the plaintiffs claim against the defendant a payment of TZS 23,472,754.83/= being unpaid rental amount since 2017 contrary to the agreement dated 20th April 2012 which has cause the 1st plaintiff loss of anticipated income of TZS 1,000,000/= per year.



That the 1st plaintiff has made several reminders to the defendant for repayment of the respective rent through notices on various dates in 2019 and 2022 and in the Newspapers but in vain.

Following that, the plaintiffs prays for the Judgment and Decree against the Defendant for the following orders;

1. A declaration that defendant have breached the Lease Agreement entered between him and the 1st plaintiff.
2. Plaintiffs be paid the amount claimed that is TZS 23,472,754.83/= (say Tanzanian Shillings Twenty Three Million Four Hundred Seventy Two Thousand Seven Hundred Fifty Four and Eighty Three Cents Only) being specific damage.
3. Plaintiffs be paid by the Defendant loss of anticipated income of TZS 1,000,000/= (Say Tanzania Shilling One Million Only) per year.
4. Plaintiffs be paid 10% of the claimed amount being a commission for eviction exercise.
5. General damages to be assessed by the Court.
6. Interest of 7% at the Court rate from the date of Judgment till the date of full and final payment.
7. Costs of this suit be provided by the Defendant; and
8. Any other relief this Honourable Court deems fit and just to grant. *Alls.*

The defendant also filed his written statement of defence, admitting some facts but mostly disputing the claims raised by the plaintiff.

In the suit, the plaintiffs were represented by different State Attorneys who appeared on the dates the case was scheduled. The last one was Ms. Happy Kikoga, State Attorney. The defendant appeared in person.

Upon completion of the pleadings, the 1st pretrial conference was held and the suit was referred to the High Court Mediation Center for the mediation proceedings. Hon. A. Mmbando, the Mediator successfully administered the mediation process and a Deed of Settlement was signed by parties on 04th April, 2024 and recorded by the court on the same date.

On 15th April, 2024, parties appeared before the trial Judge to record settlement pursuant to Order VIII Rule 33(a) and 34 of the Civil Procedure Code, Cap 33 R.E 2019 as amended by G.N. No 381 of 2019.

The plaintiffs and the defendant have consented as follows:

a) That the Defendant will pay the plaintiffs a total amount of TZS 12,536,533.09/- (Twelve Million Five Hundred Thirty-Six Thousand Five Hundred Thirty-Three Nine cents only) in a period of sixteen months beginning from 30th day of May, 2024 to 30th day of September, 2025.

b) That, the aforesaid payments shall be made in two terms namely; the first term shall be paid within twelve (12) months in twelve

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instalments beginning from 30th day of May, 2024 to 30th day of September, 2025 of TZS 800,000/= (Eight Hundred Thousand Shillings only) each month making a total amount of TZS 9,600,000/- (Nine Million Six Hundred Thousand Shillings Only).

c) That the second term of payment shall be made from 30th day of June, 2024 to 30th day of September, 2025 in four instalments whereby in each instalment the Defendant shall pay TZS 734,133.28 (Seven Hundred Thirty-Four Thousand Shillings and One Hundred Thirty-Three Twenty Eight Cents only).

d) That each party shall bear its own costs.

Judgment is hereby entered as consented by parties. Each party shall bear its own costs in the suit.

It is so ordered.



A. MSAFIRI
JUDGE
15/4/2024