

IN THE HIGH COURT OF TANZANIA
LABOUR DIVISION
AT DAR ES SALAAM

REVISION NO. 213 OF 2023

*(Arising from an Award issued on 04/08/2023 by Hon. Wilbard G. Masawe, Arbitrator in Labour
dispute No. CMA/DSM/ILA/162/2022/152 at Ilala)*

PETER MPOTO..... APPLICANT

VERSUS

THE REGISTERED TRUSTEE OF ANGLICAN

CHURCH DIOCESE OF DAR ES SALAAM RESPONDENT

CONSENT JUDGMENT

Applicant filed this application seeking the court to revise the CMA award issued on 4th August 2023 by Hon. Wilbard G. Masawe, Arbitrator in labour dispute No. CMA/DSM/ILA/162/2022/152. When the application was called on for hearing on this 14th December 2023, Robert Masanja, personal representative of the applicant informed the court that the parties have agreed to settle this dispute by the applicant agreeing to be paid TZS 1,500,000/= as full and final payment and that there will be no further claim by the applicant against the respondent.

He further informed the court that applicant has agreed to vacate from the house of the respondent by or before 20th December 2023 and further that, on 20th December 2023 applicant will withdraw case No. 47 of 2023 that is pending in the District Land and Housing Tribunal for Ilala District at Ilala. Mr. Masanja prayed their agreement to form part of the decree of this court. Mr. Peter Mpoto, the applicant, who was also present, confirmed what was submitted by his personal representative.

On the other hand, Mr. John Mponela, learned counsel for the respondent informed the court that, it is true the parties have decided to settle this matter and that, respondent has paid the applicant the said TZS 1,500,000/= as agreed. He added that, they have agreed that, on 20th December 2023 applicant shall withdraw Case No. 47 of 2023 that is pending in the District Land and Housing Tribunal for Ilala District at Ilala and vacate from the respondent's house situated at St. Elizabeth Anglican Church Compounds at Chanika area within Ilala District. Counsel for the respondent also prayed that their agreement should form part of the decree of this court. In fact, what was submitted by Mr. Mponela, learned counsel for the respondent was also confirmed by Rev. Lameck Paul Ndomba, the Canon and General Secretary of the Board of Trustee of Anglican Church, Diocese of Dar es Salaam, the respondent.

I have carefully considered submissions of the parties and confirmations from Mr. Peter Mpoto, the applicant and Rev. Lameck Paul Ndomba, General Secretary of the respondent and satisfied that, the parties have mutually settled their dispute and further that, respondent has already paid the applicant One Million Five Hundred Thousand Tanzanian Shillings(TZS 1,500,000/=) only.

In view of the above, I hereby record that the parties have settled their dispute in the following terms:-

1. That, on this 14th December 2023, respondent has paid the applicant One Million Five Hundred Thousand Tanzanian Shillings(TZS 1,500,000/=) only to settled the matter.
2. That, on 20th December 2023 applicant shall vacate from the respondent's house situated within St. Elizabeth Anglican Church compounds at Chanika within Ilala District.
3. That, On 20th December 2023 applicant shall withdraw Case No. 47 of 2023 that is pending in the District Land and Housing Tribunal for Ilala District at Ilala.

By this consent judgment, therefore, this court hereby declare that the hereinabove mentioned parties have resolved their dispute and this application is marked settled on the compromise of the parties, as

evidenced by the abovementioned agreed terms. This consent judgment is enforceable like any other decree of this court.

It is so ordered.

Dated at Dar es Salaam on this 14th December 2023.



B. E. K. Mganga
JUDGE

Judgment delivered on this 14th December 2023 in chambers in the presence of Robert Masanja, personal representative of the applicant and Peter Mpoto, the applicant on one hand and John Mponela, Advocate for the respondent and Lameck Paul Ndomba, the Canon and General Secretary of the Board of Trustee of Anglican Church, Diocese of Dar es Salaam, the respondent.



B. E. K. Mganga
JUDGE