

IN THE HIGH COURT OF TANZANIA

(MTWARA DISTRICT REGISTRY)

AT MTWARA

LAND CASE APPEAL NO. 19 OF 2021

(From the Decision of the District Land and Housing Tribunal of Lindi District at Lindi
in Land Case No.21 of 2019)

**ANDREW REUBEN SHIMBA (Administrator of the Estate of the
late Reuben Shimba).....APPELLANT**

VERSUS

OMAR KHALFANI HAJI.....1ST RESPONDENT

SIMON SHIMBA.....2ND RESPONDENT

DEED OF SETTLEMENT

1st October, 2021

DYANSOBERA, J.:

The appellant on the 10th day of June, 2021 filed this appeal challenging the decision of the District Land and Housing Tribunal for Lindi at Lindi dated 30.4.2021 in which the 1st respondent was declared the lawful owner of the suit land.

According to the petition of appeal, the appellant seeks this court to allow the appeal with costs and set aside the judgment and decree of the lower Tribunal.

While the appeal was pending in this court, the parties jointly, after considering their positions and the need to end their differences amicably and timely, the appellant and 1st respondent have decided to resolve the dispute amicably on the following terms detailed in the filed DEED OF SETTLEMENT which they pray to be adopted by this court as the decree of the court.

The Deed of Settlement which the parties have agreed and which I adopt as part of the judgment of this court is as follows:-

1. That the Appellant shall pay the 1st Respondent the sum of Tanzania Shillings Three Million Five Hundred Thousand (3,500,000) only as full and final settlement as the value for maintaining the farm and immediately after filing this deed of settlement the orders made in Application No. 19 of 2019 shall be vacated and the Appellant shall be the owner of the disputed farm located at Kineng'ene area at Lindi Municipal Council.
2. That the amount mentioned hereinabove shall be paid in three installments within three months, the 1st installment shall be the sum of Tshs. 1,200,000/= and the same shall be paid on the 30th day of July, 2021, the 2nd instalment shall be the sum of Tshs. 1,200,000/= and the same shall be paid on the 30th day August, 2021 and the last installment the sum of Tshs. 1,100,000/= shall be paid on the 30th day of September, 2021.
3. That the agreed amount mentioned hereinabove to wit the sum of Three Million Five Hundred Thousand (Tshs. 3,500,000/=) shall be

paid direct to the 1st Respondent through Account Number. 70208300329 maintained at National Microfinance Bank (NMB) and immediately after making the said sum on each installment the Appellant shall serve the copy of the payment receipt to the 1st Respondent as the evidence of payment.

4. That this Deed shall come into force immediately after being signed by the Appellant and 1st Respondent and recorded by this honourable court.
5. That immediately after the signing of this Deed the parties or either of them shall file the same in the court so that a decree in light thereof may be entered;
6. That on payment of the amount stated in paragraph 1 and 2 the Appellant and the 1st Respondent shall mark an end to all the claims by the Appellant against the Respondent on this Appeal.
7. Each party shall bear his own costs.

The terms and conditions of this Deed of Settlement are hereby recorded as the decree of this court.

It is so ordered.




W. P. Dyansobera

Judge

1.10.2021

Delivered at Mtwara this 1st day of October, 2021 in the presence of the Mr. Issa Chiputula, learned Counsel for the appellant but in the absence of the respondent and his advocate.



W. P. Dyansobera

Judge

