

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

LAND CASE NO. 06 OF 2019

ZAHEED SALEH MOHAMED BUDHA.....PLAINTIFF

VERSUS

MORTAZA HUSSEIN.....1ST DEFENDANT

ACTIVE RECOVERIES COMPANY LTD.....2ND DEFENDANT

MEDIATION SETTLEMENT ORDER

WHEREAS the plaintiff above instituted this suit against the defendants herein for the following reliefs;

1. A declaration that the plaintiff is not a tenant in the disputed land.
2. The defendants be ordered to fully compensate and return the plaintiff's assets stolen / taken from the disputed property.
3. An order compelling the defendant to compensate the plaintiff the monetary value taken from the house.
4. An order of permanent injunction against the defendants, their agents and any other person working on their behalf.
5. Any other order as this court may deem, fit and just to grant.
6. Costs of this suit.

AND UPON the matter coming for mediation before the Mediator, (**Gwae, J**), the parties herein were desirous to settle the dispute through mediation. After

long discussion as far as the plaintiff's claims are concerned, the suit was eventually mediated and the parties' advocates were directed to prepare a deed of settlement which was duly filed on 15/10/2021. The parties' mediation settlement is hereby adopted by the court to form part of the court's proceedings and order and I further make the following orders;

1. That, the plaintiff shall receive from the 1st defendant a total of Tshs. 135, 000, 000/= as full settlement of the suit whereas the payment shall be effected in two instalments as follows;
 - a) First payment of Tshs. 100,000,000/= shall be paid on or before 30th October 2021.
 - b) The last payment shall be paid immediately after the plaintiff gives vacant possession to the 1st defendant which is not later than **30th January 2022****
2. The plaintiff shall surrender all rights with regards to the property in Plot No. 12, Block "D", Area F, Arusha City and claims of this case once the settlement amount is paid in full.
3. The Plaintiff shall also cease to collect any rents from lessees who have leased shops in Plot 12, Block "D", Arusha once the first instalment is paid.

4. The plaintiff has relinquished all claims save to the agreed amount as settlement (Tshs. 135, 000,000/=)
5. Each party shall bear its own costs.
6. That, this settlement order binding upon the parties and it is capable of being enforced as a decree of the court
7. The above orders to be read together with terms of the mediation settlement
8. The suit is marked as settled.

It is so ordered.



A handwritten signature in blue ink, appearing to read "M. R. Gwae", is written over a horizontal line.

M. R. GWAE
JUDGE
20/10/2021