

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**MUSOMA DISTRICT REGISTRY**

**AT MUSOMA**

**(PC) MATRIMONIAL APPEAL NO. 51 OF 2022**

*(Arising from the decision of District Court of Musoma at Musoma in Matrimonial Cause  
No. 223 of 2021)*

**BETWEEN**

**ERNEST HATARI MTESIGWA..... APPELLANT**

**VERSUS**

**LETICIA MABABE MAJIGE.....RESPONDENT**

**CONSENT JUDGMENT**

*27 & 27 October 2022*

**M. L. KOMBA, J.:**

Parties in this Appeal were husband and wife since 2008 till 30/08/2022 when the Primary Court of Musoma Urban (the Trial Court) in *Shauri la Talaka Na. 23 la Mwaka 2021* pronounced divorce and, as it is the customs, the court proceed to distribute matrimonial properties which were jointly acquired. Facts did not reveal whether parties were blessed with any issues during subsistence of their marriage. Dissatisfied with the Trial court decision in distribution of matrimonial assets, appellant appeal to District Court of Musoma at Musoma (the first appellate court) Matrimonial Civil Appeal No. 11 of 2022 where he lost his appeal and he is here in this court for the second bite.

On 25<sup>th</sup> August, 2022 upon this appeal being admitted, it was scheduled for hearing on 27<sup>th</sup> October, 2022 and both parties were notified. During the hearing date, appellant hired a service of Mr. Edson Philipo, an advocate while the respondent appeared in person, unrepresented. When I peruse court file there is a Deed of Settlement filled on the same day.

Counsel for the appellant was first to address this court and inform that parties has settled that matter and filed Deed of Settlement. He further informed the court that the respondent will confirm and provide full details.

On her side, respondent said she voluntarily decide not to execute decree as award from the two lower courts, she decide so because that was the family issue and see no need of extending antagonism. In rejoining appellant said he is withdrawing his appeal and promise to pay respondent Tsh 2, 000,000/ within thirty days from the day of his promise and pray for the court to register consent judgment.

Since courts of law are vested with powers to facilitate and promote litigants to amicably settle disputes pursuant to Article 107A of the Constitution of United Republic of Tanzania of 1977 and since this matter is at appellate stage and the court is informed that the respondent will not execute her

award from lower courts and that the appellant decide to withdraw the appeal, the parties' agreement to settle the dispute is accepted and the same shall bind each of them.

The appellant appeal is hereby marked withdrawn upon agreed terms herein recorded from parties.

Each part shall bear its own costs.

It is so order.



  
**M. L. KOMBA**

**Judge**

**27 October 2022**