

TANZANIA / JUDGMENT

harel mallac tanzania limited vs tanzania fertilizers co ltd and another 2021 tzhccomd 3487 6 december 2021

COURT
TZHCCOMDDECIDED
6 December 2021

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IN THE HIGH COURT OF UNITED REPUBLIC OF THE TANZANIA (COMMERCIAL DIVISION) AT DAR-ES-SALAAM COMMERCIAL CASE NO.131 OF 2020 HAREL MALLAC TANZANIA LIMITED..... PLAINTIFF VERSUS TANZANIA FERTILIZERS CO. LTD.... ^DEFENDANT THE ATTORNEY GENERAL..... S.fe>2nd DEi^ENDANT Last order: 22/11/2021 <X Judgment: 06/12/2021 CONSENT JUDGEMENT The Plaintiff herein fided thi^s^Jit praying for judgement and decree<gainst<the'Defendants as follows: \X •to effect full payment within 90 days —4rom the invoice date.

2. Payment of Tanzania Shillings Eighty Three Million Only (TZS 83,000,000/) being the outstanding amount the Defendants owes the Plaintiff.
3. Payment of Tanzania Shillings Forty Three Million, Five Hundred Eighty Seven Thousand , Four Hundred and Fifty Only (43,587,450.00) being the Page 1 of 4 total amount of interest accrued from 02/12/2017 to 02/12/2020
4. Interest on the decretal amount for the date of that the same is established to have become due to the Plaintiff to the date of

Judgement.

5. Interest on the decretal amount at 7% per annum from the date of judgement to the date of 'final payment. xS/z
6. General damages x\ \</z
7. Costs of this^suit^^
8. Anyotherre^ie5asthis.Hbno&irable xxx x\ Court de'ems justf and fitto grant. . 11 Z\ \ v On the 22^day oFNovember 2021, the parties appeared before me. Onxthe'.material date, the Plaintiff (< \ enjoyed the\services\of Mr Francis Walter, learned advocateXwl^lex^Mn^Edwin Webiro, State Attorney, appear^ for^the^Respondents. The duo informed this Court tha^ttie parties herein were able to settle the matter amicably and have so far filed a Deed of Settlement in Court. They requested that, I record the same as per the

law. I have looked at the deed of settlement which was filed in this Court on the 19th day of November 2021. The Deed of Settlement was made under Order XXIII Rule 3 Page 2 of 4 of the Civil Procedure Code, Cap.33 R.E 2019. This particular provision provides as hereunder: "Where it is proved to the satisfaction of the court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject \\\ matter of the suit, the court shall order such agreement, compromise \\\ / or satisfaction to be recorded and' shall pass a decree in accordance I have also signed through the said "Deed of Settlement" and satisfied that the parties have wholly compromised their suit and settled their differences. U \\\ Consequently and upon the basis of their signed "Deed of Settlement" Xbo hereby proceed to register the said "Deed of Settlement" as per the requirements of the law. By this consent decision, this Court hereby declares, therefore, that the parties herein have resolved their dispute and, this suit is marked "settled on the compromise of the parties" evidenced by the terms agreed under the said "Deed of Settlement". Page 3 of 4 For the reasons aforesaid, the "Deed of Settlement" filed by the parties constitutes part and parcel of this Consent Judgment and Decree of this Court. It is so ordered. DAT at DAR-ES-SALAAM ON THIS 06th DAY OF DECEMBER, 2021. HON. DEO JOHN NANGELA JUDGE Page 4 of 4

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ORIGINAL SOURCE	https://media.tanzlil.org/media/judgment/182534/source_file/harel-mallac-tanzania-limited-vs-tanzania-fertilizers-co-ltd-and-another-2021-tzhccomd-3487-6-december-2021.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/harel-mallac-tanzania-limited-v-tanzania-fertilizers-co-ltd-settlement-tzhccomd-2021

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