

TANZANIA / JUDGMENT

# josephat utenga vs patrick utenga and another 2023 tzhc 23431 3 november 2023

COURT  
TZHCDECIDED  
3 November 2023

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA IRINGA REGISTRY AT IRINGA  
LAND APPEAL CASE NO. 06 OF 2023 (Originating from Land Application No. 66 of 2017 in the  
District Land and Housing Tribunal for Iringa at Iringa) JOSEPHAT  
UTENGA .....APPELLANT VERSUS PATRICK  
UTENGA .....1st RESPONDENT AULERIA KINDOLE .....2nd RESPONDENT  
CONSENT JUDGMENT Date of Last Order: 03.11.2023 Date of Judgment: 03.11.2023 A.E.  
Mwipopo, J. Both parties have agreed before this court to settle the land dispute between them.  
The parties have agreed the followings:-

1. The 1st respondent will give an alternative land to the appellant. The said alternative land is part of registered land owned by 1st respondent bordering the land in dispute. Their uncles namely Lonjino Utenga, Andrew Utenga and Vitus Utenga will show the boundaries of the alternative land to be given to the appellant and handle the alternative land to appellant immediately. i.
2. After alternative land is given to the appellant, he shall proceed to survey it and register it in his own name and the 1st respondent gave consent to amend his title deed on the area given to the appellant as alternative in accordance with these agreement.
3. After the alternative land is handled to the appellant, the appellant shall not have any claim of right over the land in dispute and the 2nd respondent shall be the rightful owner of the suit land. Following the agreement of both sides over the disputed land, the court record that the matter is settled in accordance with the terms of their agreement stated above. The decree of the court to be in terms of their agreement. The decision of the District Land and Housing Tribunal for Iringa at Iringa is quashed and its orders are set aside accordingly. Each party shall bear own costs of this suit. It is so ordered accordingly. 2

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**CASE PAGE**              <https://chat.esheria.ai/case-law/tanzania/josephat-utenga-settlement-tzhc-2023>

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