

TANZANIA / JUDGMENT

JUMA JULIUS MVAMBA SCANNED

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22 May 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (LAND DIVISION) AT PAR ES SALAAM LAND CASE NO. 1748 OF 2024 JUMA JULIUS MVAMBA..... PLAINTIFF VERSUS FADHILI ANANIAS SEMBAGO (as a guardian of Glory Fadhili Sembago)..... 1st DEFENDANT FADHILI ANANIAS SEMBAGO (as a guardian of Glory Fadhili Sembago)..... 2ND DEFENDANT THE COMMISSIONER FOR LANDS.....3rd DEFENDANT DIRECTOR OF MAPPING AND SURVEY..... 4th DEFENDANT THE ATTORNEY GENERAL..... 5th DEFENDANT CONSENT JUDGMENT 2\$h November2024 L. HEMED,J. On 22nd May 2024, the Plaintiff herein instituted the instant suit against the defendants claiming ownership of the suit landed property 1 described as Plot No 766, Block "A" Kunduchi Mtongani Area, Kinondoni Municipality, Dar es Salaam registered in the names of the 1st and 2nd defendants under Certificate of Title No. DSMT1015086. The claims were disputed by the defendants. In their written statement of defence, the 1st and 2nd defendants asserted to be the lawful owners of the disputed property. Upon completion of pleadings, the matter was forwarded to the mediation centre of the judiciary where it was successful settled before Hon. ANGELA BAHATI SALEMA, the mediator judge. Following the settlement, the parties appeared before the trial judge on 25th November 2024 where it was recorded as follows: 1 . That the 2nd defendant has agreed that the plaintiff is the lawful owner of Plot No. 766, Title No. DSMT1015086, Block "A" located at Kunduchi Mtongani Area, Kinondoni Municipality, Dar es Salaam Region currently registered in the name of the 1st Defendant. 2 .That, the 2nd defendant hereby agrees to 2 surrender, transfer and deliver full possession and control of Plot No. 766, Title No. DSMT1015086, Block "A" located at Kunduchi, Mtongani Area, Kinondoni Municipality, Dar es Salaam Region to the Plaintiff. The 2nd defendant further agrees that he shall make no claims, objections, or assertions of any rights, title, or interest with respect to the property now or in future. 3 .The plaintiff hereby irrevocably waives, relinquishes, and surrenders 74.13 Square meters of land from plot no. 766 in favour of the first defendant, consequently the plaintiff's remaining portion of Plot no. 766 shall be 828.27 square meters. 4 .That the 1st, 2nd, 3rd, 4th and 5th defendants shall ensure that Plot No. 766, Title No. DSMT1015086, Block "A" located at Kunduchi Mtongani Area, Kinondoni Municipality, Dar es Salaam Region is registered in the plaintiff's name, including any 3 necessary adjustments to reflect the correct boundaries as established by survey plan. 5 .The 3rd, 4th and 5th defendants shall cooperate with the parties to ensure that the survey and registration are conducted efficiently and in accordance with applicable laws and regulations. 6 .The parties shall endure

that the settlement is recorded in the official land records and that all necessary administrative steps are taken to update the records accordingly. 7 .That Costs of this suit, damages and any other incidental costs pertaining to the filing of the suit are hereby waived. Having recorded the above terms of settlement the court do hereby enters the consent judgement as follows: -

1. The plaintiff is the lawful owner of Plot No. 766, Tittle No. DSMT1015086, Block "A" located at kunduchi Mtongani Area, Kinondoni Municipality, Dar es Salaam Region.
2. The 2nd Defendant to surrender, transfer and deliver full possession and control of Plot No 766, Tittle No DSM 1015086, Block "A" located at Kunduchi, Mtongani Area Kinondoni Municipality Dar es Salaam to the Plaintiff.
3. The Plaintiff to surrender 74.13 square meters of land from plot No. 766 in favor of the 1st Defendant.
4. All Defendants to ensure that plot No.766, Tittle No DSM 1015086, Block "A" located at Kunduchi, Mtongani Area Kinondoni Municipality, Dar es Salaam is registered in the name of the Plaintiff, including any necessary adjustments.
5. The 3rd, 4th, and 5th Defendants to cooperate with the parties to ensure that the survey and registration are conducted efficiently and in accordance with the applicable laws and regulations. Order accordingly. 5 6

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Prepared on 13 October 2026 · Esheria