

TANZANIA / JUDGMENT

CIVIL CASE LUCAS MBONJWA MAKORI

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4 December 2024

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IN THE HIGH COURT OF TANZANIA MUSOMA SUB REGISTRY AT MUSOMA CIVIL CASE NO. 00006919 OF 2024 REFERENCE NUMBER 202403281000006919 LUCAS MBONJWA MAKORI..... PLAINTIFF VERSUS THE BOARD OF TRUSTEES OF THE PUBLIC SERVICES SOCIAL SECURITY FUNDS..... 1st DEFENDANT THE DISTRICT COUNCIL OF BUTIAMA..... 2nd DEFENDANT THE ATTORNEY GENERAL..... 3rd DEFENDANT CONSENT JUDGMENT 04th & 04th December, 2024 M. L. KOMBA, J.: This is a consent judgment arising from a mutually agreed settlement by the parties named above. Primarily, plaintiff who was former employee of the second defendant and a member of the 1st defendant brought this suit against the defendants herein claiming for the following reliefs from defendants:

- i) To pay the plaintiff monthly pension. ii) To declare the plaintiff is lawful entitled to get monthly pension. Hi) To pay specific damage amount to Tsh. 30,210,000/= with interest of each month until pay. Page 1 of 3 iv) To pay the general damage to the plaintiff amount to Tsh. 20,000,000/=.
- v) To pay the plaintiff monthly pension fund accumulated since he retired from July, 2018 up to the decision date of this suit which approximate to Tsh. 30,000,000/= and its interest each month. vi) The cost of this suit be borne by the defendants. vii) Any other remedies deemed just fit to grant to the plaintiff. When the suit was scheduled for hearing, plaintiff was represented by Mr. Emanuel Gervas, an advocate while Respondents were represented by Ms. Neema Mwaipyana Senior State Attorney while assisted by Anesius Kamugisha, State Attorney. Senior State Attorney, Ms. Mwaipyana was first to address this court and inform that parties have settled that matter and all have signed deed of settlement which was uploaded in Electronic Case Management System (ecms). Mr. Gervas who represented the plaintiff (plaintiff was present in court) acknowledged that the deed was prepared and signed by both parties. He further submitted that the deed of settlement has terms and each party has to adhere to terms and that the terms shall bind parties. He further prayed for consent judgment to be bound by agreed terms. Page 2 of 3 From the deed of settlement which was filed on 29 November, 2024, 1st and 2nd defendants voluntarily agree to effect payment claimed by plaintiff to each other and to the plaintiff, they have set payment mechanism and recognize their settlement to have legal force as normal court decree as picked from Article 3.0 of signed deed of settlement. Since courts of law are vested with

powers to facilitate and promote litigants to amicably dispute settlement pursuant to Article 107A of the Constitution of United Republic of Tanzania and since this matter was set for hearing and the court is informed that the parties have decided to settle, the parties' agreement to settle their dispute is accepted and the same shall bind each of them as signed and expressed on deed of settlement. The plaintiffs' suit is hereby marked settled upon agreed terms herein recorded from parties and from deed of settlement which form part of this consent judgment. Each part shall bear its own costs. It is so order. M. L. KOMBA Judge
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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/lucas-mbonjwa-makori-pensionentitlement-tanzlii-2024

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