

TANZANIA / JUDGMENT

LAND CASE 18027 OF 2024 scanned

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IN THE HIGH COURT OF TANZANIA (LAND DIVISION) AT DAR ES SALAAM LAND CASE NO. 18027 OF 2024 BETWEEN PHILOMENA NKAMANI PAUL..... PLAINTIFF VERSUS LAURENCE MIKU PAUL..... 1st DEFENDANT PAUL JOSEPH MEELA..... 2nd DEFENDANT CONSENT JUDGMENT 18/9/2024 A, MSAFIRL J, The plaintiff hereinabove instituted this suit against the above named defendants. She is claims against the defendants jointly and severally for the following orders;

- a) A declaration that the Plaintiff is entitled to enjoy the proceeds in the form of rental payment of lease agreements on premises in Plot No. 412 Msasani Peninsula, Dar es Salaam City Title No. 193573.
- b) A declaration that the long term lease agreement between the first and second defendants dated 16th July 2024 is a nullity as the Plaintiff has not executed deed of consent.
- c) In the alternative to prayer (b), (c) A declaration that the plaintiff is entitled to payment of at least 30% of the proceeds of long terms-M L i lease between the first and second defendants of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573.
- d) In further alternative to prayer (c), (d), an order to the second defendant to effect payment of 30% of the proceeds of long terms lease between the first and second defendants of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 to the plaintiff.
- e) In further alternative to prayer (b), (e) an order to transfer Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 from the first defendant to joint ownership of the first defendant and the plaintiff.
- f) General damages to be assessed by the court.
- g) Costs of the suit.
- h) Any other relief the court deems proper to grant. The defendants also filed their joint written statement of defence, disputing the claims raised by the plaintiff. In the suit, the plaintiff was represented by Mr. Thomas Brash, learned advocate while the defendants were represented by Mr Frank Mwakongo, learned advocate. Upon completion of the pleadings, the 1st pretrial conference was held and the suit was referred to the High Court Mediation Center for the mediation proceedings. Hon. Z. Maruma, J, the Mediator 2 successfully

administered the mediation process and a Consent Settlement Order was signed by parties on 10th September, 2024. On 18th September, 2024, parties represented by their advocates, Mr Thomas Brash for the plaintiff and Ms. Halima Semada, for the defendants, appeared before the trial Judge to record settlement pursuant to Order VIII Rule 33(a) and 34 of the Civil Procedure Code, Cap 33 R.E 2019 as amended by G.N. No 381 of 2019. The plaintiff and the defendants have consented to settle the case as follows:

1. That, the plaintiff and the first defendant have agreed to share and jointly use all the rental payments which the first defendant has already received from the second defendant resulting from lease of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573, by the date of this deed of settlement.
2. That, the plaintiff and the first defendant have agreed to sale and dispose of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 to the second defendant. The second defendant have agreed to purchase the said Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 from the first defendant and the
3. That, over and above, the rental payments amounting to Tanzanian shillings one billion eight hundred million which the second defendant has already paid to the first defendant, in consideration of sale of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 from the first defendant to the second defendant, the second defendant shall pay TZS 200,000,000/= within two weeks from the day of recording this deed of settlement to the plaintiff. The plaintiff's account details are: Bank Account Number: CRDB BANK Branch Name: MBEZI LUIS Account Name: PHILOMENA NKAMANI PAUL Account No: 0152379561800
4. That, parties have agreed that the second defendant is the lawful owner of Plot No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 from the date of signing this deed of settlement.
5. That the second defendant acknowledges receipt of the original title deed of No. 412 Msasani Peninsula Dar es Salaam City Title No. 193573 from the plaintiff and the first defendant.
6. That, this Deed of settlement will be recorded by the court and constitute judgment and decree of the court as between the plaintiff and the defendants. Jtfl L 4
7. That, the parties herein agree that by executing this consent settlement, this claim is final and conclusively settled and there would be no further claims or cases in relation to this matter against either party herein.
8. That, the parties agree that upon signing of the consent the plaintiff suit shall be settled and each party shall bear its own cost of the suit. Judgment is hereby entered as consented by parties. Each party shall bear his/her own costs in the suit. It is so ordered. ' J l II JUDGE 18/9/2024 5

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/philomena-nkamani-paul-Ownershipofland-tanzlii-2024--6a3ea52d3b1caa9129826d51

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