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THE REPUBLIC OF UGANDA

IN THE COURT OF APPEAL OF UGANDA AT KAMPALA

CIVIL APPLICATION NO.248 OF 2021

(Arising from Civil Application No.230 of 2021)

(Arising from Civil Appeal No.089 of 2021)

10

(All arising out of Mpigi High Court Civil Suit No. 008 of 2018)

LUGGYA ANDREW:::APPLICANT

VERSUS

1. KIKONYOGO RICHARD

2. SSEMBATYA JOSEPH:::RESPONDENTS

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CORAM: HON. MR. JUSTICE CHEBORION BARISHAKI, JA

(SINGLE JUSTICE)

RULING

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This application was brought under the provisions of sections 10 and 12 of the Judicature Act Cap 13 and Rules 2(2), 6 (2) (b), 43 (1) and (2) of the Rules of this Court.

It seeks for orders that:-

- a. An interim order doth issue to restrain the respondents, their agents, servants, workers and any other person acting on their behalf or any other*

5 *person interfering with selling, mutating, transferring, evicting or anybody
deriving interest from them from disposing off or receiving any payment in
respect of land comprised in Mawokota Block 92 plots 190, 193 & 242
(754,755,756,757,758,759,760,761 all out of plot 242) pending the
determination and final disposal of Civil Application No.230 of 2021 arising
10 from the High Court of Mpigi Civil / Land Suit No.08 of 2018, Lugya Andrew
Versus Sembatya Joseph and Kikonyogo Richard.*

*b. An interim order of stay of proceedings of orders of the High Court of Mpigi
Civil/ Land Suit No.08 of 2018 Lugya Andrew V Sembatya Joseph and
Kikonyogo Richard until the hearing and final determination and final
15 disposal of Civil Application No.230 of 2021 arising from Civil Appeal No.089
of 2021 arising from the High Court of Mpigi Civil/Land Suit No.08 of 2018
Lugya Andrew V Sembatya Joseph and Kikonyogo Richard.*

c. Costs of this application be provided for.

The background to the application as accepted by the learned trial Judge is that
20 the applicant claimed to be a nephew and a beneficiary of the estate of the late
Tereza Naluggya who was the registered proprietor of land comprised in
Mawokota Block 92 Plots 190, 193 and 242 (hereinafter referred to as the suit
land). The applicant sued the respondents seeking inter alia for a declaration
that the suit land formed part of the estate of the late Tereza Naluggya, a
25 declaration that the defendants fraudulently obtained the certificate of title and
registration on the suit land and an order for cancellation of the name of the 2nd
respondent on the title of the suit land.

5 On the 10th of August, 2020, Hon. Lady Justice Cornelia K. Sabiti delivered judgment in Civil Suit No.08 of 2018 in which she inter alia held that the applicant had failed to prove fraud against the defendants and dismissed the suit. The applicant then filed Miscellaneous Cause No.05 of 2020 against the respondents seeking for stay of execution of the decree and/ or judgment in
10 Mpigi High Court Civil Suit No.08 of 2018 but the same was dismissed with costs.

The applicant then filed an appeal vide Civil Appeal No.089 of 2021, Luggya Andrew V Sembatya Joseph and Kikonyogo Richard. It was the applicant's case that while the appeal is pending, the respondents have started visiting the suit
15 land with an intention of surveying, opening boundaries and taking possession of the same. Hence this application.

The grounds of the application are contained in the Notice of Motion and affidavit in support of the application sworn by Luggya Andrew, the applicant dated 15th September, 2021. Briefly, the grounds are that;

- 20 1. *The applicant instituted Mpigi High Court Civil Suit No.08 of 2018 seeking for declarations/ orders that the respondents/ defendants fraudulently obtained the certificate of title and registration on the land comprising in Mawokota Block 92 Plots 190, 193 & 242, an order compelling them to deliver into Court the certificates of title for the above described land, a
25 declaration that the said land forms part of the estate of the late Tereza Nalugya to which the applicant is a beneficiary and an order of permanent*

5 *injunction to restrain the defendants, their agents and workmen from interrupting/ interfering with the suit land, general damages, interest thereon and costs of the suit.*

2. *That in Miscellaneous Application No.796 of 2014, the applicant successfully applied for and was granted a temporary injunction pending*
10 *the determination and final disposal of the main suit.*

3. *That on 10th August 2020, Hon. Lady Justice Cornelia Kakooza Sabiti dismissed Civil Suit No.08 of 2018 with costs.*

4. *That the applicant filed Miscellaneous Cause No.05 of 2020 against the respondents seeking for stay of execution of the decree and/or judgment in*
15 *Mpigi High Court Civil Suit No.08 of 2018 but the same was dismissed with costs.*

5. *That the applicant filed a Notice of Appeal and a Memorandum of Appeal in Civil Appeal No.089 of 2021, Luggya Andrew V Sembatya Joseph and Kikonyogo Richard.*

20 6. *That the applicant filed Civil Application No.230 of 2021 which is pending hearing before this Honorable Court seeking for an order of injunction to restrain the respondents, their agents, servants, workers and any other person acting on their behalf or any other person interfering with, selling, mutating, transferring, evicting or anybody deriving interest from them from*
25 *disposing off or receiving any payment in respect of land comprised in Mawokota Block 92 plots 190, 193 & 242 (754,755,756,757,758,759,760,761 all out of plot 242) pending the*

5 *determination and final disposal of Civil Appeal No.089 of 2021 arising from the High Court of Mpigi Civil Suit No.08 of 2018, Lugya Andrew V Sembatya Joseph and Kikonyogo Richard.*

7. *That in Civil Application No.230 of 2021, the applicant further seeks for an order of stay of proceedings of orders of the High Court of Mpigi Civil Suit*
10 *No.08 of 2018, Lugya Andrew V Sembatya Joseph and Kikonyogo Richard until the hearing and final determination and final disposal of Civil Appeal No.089 of 2021.*

8. *That the respondents have gone on to cause sub-division of the land in dispute into several plots and they are threatening to evict the applicant and*
15 *those deriving interest from him and from the late Tereza Nalugya.*

9. *The respondents have sub-divided the disputed land into the following plots; Mawokota Block 92 plots 190, 193 & 242 (754, 755, 756, 757, 758,759,760,761 all out of plot 242).*

10. *The applicant has been advised by his lawyers M/S Semuyaba, Iga & Co. Advocates and M/S Baale, Lubega & Co. Advocates, which advice he*
20 *verily believes to be true that Civil Application No.230 of 2021, Luggya Andrew V Sembatya Joseph and Kikonyogo Richard as brought by the applicant is neither frivolous nor vexatious and that the grounds raised therein have a high probability of success.*

25 11. *Should the orders sought not be granted, the applicant will suffer irreparable damage that cannot be atoned for in monetary terms since the estate stands to be dissipated in respect of land forming part of the estate*

5 of the late Tereza Nalugya that cannot be replaced in the event the
respondents alienate the same.

12. The balance of convenience in the circumstances yields in favour of
the applicant who is the beneficiary of the estate of the late Tereza Nalugya,
he still holds a duty to protect the property of the estate of the subject matter
10 if this dispute. The applicant is in possession of part of the disputed land.

13. Civil Application No.230 of 2021 and Civil Appeal No.89 of 2021 will
therefore be rendered nugatory unless this Honorable Court orders for an
interim order of injunction against the respondents as prayed pending the
hearing and final disposal of the substantive Civil Application.

15 14. Civil Application No.230 of 2021 and Civil Appeal No.89 of 2021 shall
also be rendered nugatory unless this Honorable Court orders for an interim
Order of stay of proceedings of High Court of Mpigi vide Civil Suit No.08 of
2018 is issued against the respondents as prayed pending the hearing and
final disposal of the substantive Civil Application No.230 of 2021.

20 15. That it is not only just and equitable, but also immensely in the
interest of justice that an order of interim order of injunction doth issue to
restrain the respondents, their agents, servants, workers and any other
person acting on their behalf or any other person interfering with, selling,
mutating, transferring, evicting or anybody deriving interest from them from
25 disposing off or receiving any payment in respect of land comprised in
Mawokota Block 92 plots 190,193 & 242 (754, 755, 756, 757, 758, 759,
760, 761 all out of plot 242) pending the determination and final disposal of

5 *Civil Application No.230 of 2021 arising from Civil Appeal No.089 of 2021
arising from the High Court of Mpigi Civil Suit No.08 of 2018, Lugya Andrew
V Sembatya Joseph and Kikonyogo Richard.*

16. *That this application has been made without unreasonable delay in
that Civil Application No.230 of 2021 was filed with this Honorable Court on
10 3rd September, 2021 and Civil Appeal No.089 of 2021 was filed on 29th
March, 2021.*

The application was opposed by the respondent who filed an affidavit in reply
deponed by Kikonyogo Richard, dated 18th October, 2021 briefly stating that;

i. *Upon dismissal of Misc. Application No.005 of 2020 by Hon. Justice Phillip
15 Odoki, the applicant in abuse of Court process filed yet another similar
application No. 011 of 2021 filed on the 27th April, 2021, which is not yet
fixed.*

ii. *The applicant had sold the respondent's property to a one Nanfumba
Mustafa who has since lodged caveats on the suit property.*

20 iii. *Nanfumba Mustafa in bid to assert his claims made a complaint to the
Resident District Commissioner (RDC) who stopped the respondents from
accessing their land.*

iv. *As a result of the Resident District Commissioner's orders, the applicant
challenged the RDC's orders by way of an application for contempt, which
25 was resolved in favour of the respondents.*

- 5 v. *The said Nanfumba Mustafa through his advocates M/ S Semuyaba, Iga & Co. Advocates did file Civil Suit No.036 of 2021 in which he claimed to have bought the suit land from the applicant herein among others.*
- vi. *Civil suit No.036 of 2021 is seeking orders over Mawokota Block 92 Plot 242 (754,755,756,757,758,759,760 and 761), which are the very plots for which*
10 *this application seeks an injunctive order*
- vii. *The applicant has not filed any evidence to show that there is existence of any threat to him at all.*
- viii. *The lower Court has already issued an order of temporally injunction by consent of parties following an application to that Court for temporary*
15 *injunction in respect of the said plots*
- ix. *The applicant has not adduced any evidence of irreparable loss if the application is not granted since he already unlawfully or illegally disposed of the said land.*
- x. *It is an abuse of Court process for the applicant to claim the very property,*
20 *which is a subject of civil suit in the lower Court.*
- xi. *The applicant has no arguable appeal and there is no decree capable of being executed save for costs.*
- xii. *It is a falsehood for the applicant to claim that he is suing on behalf of the estate, yet he is not the administrator of the estate of the late Tereza*
25 *Nalugya.*

- 5 xiii. *The late Tereza Nalugya gifted the suit land before she died and as such the property cannot form part of the estate of the late Tereza Nalugya as claimed in paragraph (n) of the applicant's affidavit.*
- xiv. *It is a falsehood to claim that the applicant is in occupation of the suit land yet he already disposed of the land to one Nanfumba Mustafa*
- 10 xv. *The applicant in his application seeks to stay proceedings in the lower Court, which proceedings are not specifically stated, as such the orders sought are not tenable at all.*

The applicant filed an affidavit in rejoinder deposed by Luggya Andrew, dated 19th October, 2021 briefly stating that;

- 15 a) *This application is intended to preserve the status quo pending the determination of the substantive application No.230 of 2021 and hearing of the appeal as such it cannot amount to an abuse of the Court process.*
- b) *The applicant is not a party to all those cases cited by the respondents and as such, he cannot be bound by the proceedings therein.*
- 20 c) *Nanfumba Mustafa is not a party to this application nor can the applicant respond on his behalf since the Court case is still on-going to which the respondent is a party thereto, it cannot be subject of litigation in this application.*
- d) *Nanfumba Mustafa claims for only 3 acres and the claim in the appeal is for*
- 25 *26 acres. Nanfumba Mustafa's claim in Civil Suit No.36 of 2021 is in respect of land he bought from the late Naluggya Tereza and not from the applicant.*

- 5 e) *There is no proof that the applicant sold the suit land to Nanfumba Mustafa as alleged by the respondents as annexures "D1-D8" are not attached to the affidavit in reply.*
- f) *The applicant is a beneficiary to the estate of the late Nalugya Tereza and can therefore pursue the appeal and this application in that capacity.*
- 10 g) *The applicant seeks to stay all proceedings in the High Court of Mpigi Civil/Land Suit No.08 of 2018, Luggya Andrew V Sembatya Joseph & Kikonyogo Richard until final determination of Civil Application No.230 of 2021*
- h) *It is in the interest of justice and fairness that this application for an interim*
15 *order of injunction and proceedings be granted by this Court to preserve the status quo pending the determination of Civil Application No.230 of 2021.*

At the hearing of the application, Mr. Luwalira Muhammad & Mr. Matovu Erias appeared for the applicant while the respondent was represented by Mr. Baingana John Paul.

- 20 Both counsel filed written submissions which they adopted at the hearing.

Counsel for the applicant submitted that Rule 2 (2) of the rules of this Court grants this Court inherent power to make such orders as may be necessary for achieving the ends of justice and prevent abuse of the Court process. He further submitted that the applicant had satisfied all the conditions necessary for the
25 grant of an interim order of injunction to wit; the applicant had filed a notice of appeal as well as a Memorandum of Appeal in Civil Appeal No.089 of 2021,

5 Luggya Andrew V Sembatya Joseph and Kikonyogo Richard, secondly, that there was a substantive application for an order of injunction vide Civil Application No.230 of 2021 pending fixing and hearing before this Court and lastly that there exists a serious threat of execution because after the dismissal of Civil Suit No.08 of 2018, the respondents have gone ahead to cause a sub-division of the disputed
10 land comprised in Mawokota Block 92 Plots 242 (into plots 754, 755,756,757,758,759,760,761). He added that the respondents have threatened to evict the applicant and other persons deriving interest from him or the late Naluggya Tereza.

Counsel further submitted that in the event that this Court declines to grant this
15 application of interim order of injunction and interim stay of proceedings of the High Court in Civil Suit No.08 of 2018 and Civil Application No.230 of 2021, the appeal shall be rendered nugatory. He added that the nature of interim orders sought are intended to preserve the status quo and despite the fact that the lower Court dismissed the application for stay of execution for lack of positive order,
20 the respondents had already fraudulently registered themselves on the suit land and had gone ahead to make sub-divisions. That they were now in the process of transferring the land to other unsuspecting third parties. He prayed that an order of interim injunction be granted.

In reply, counsel for the respondents opposed the application and submitted that
25 the applicants were in abuse of Court process because there was no explanation as to why the applicant filed Misc. Application No.011 of 2021 which he had now

5 abandoned. In counsel's view, the applicant seeks to approbate in this application and reprobate in Civil Suit No.036 of 2021, which is litigating over similar property. He added that it was not in order for a party to come to Court and get an order for property that he already sold to another person.

He further submitted that the guidelines for the grant of temporary injunction
10 were laid down in **Robert Kavuma V M/s Hotel International SCCA No.8 of 1990** to wit; that the applicant has a prima facie case with a probability of success. Counsel submitted that there was already a decree of Court dismissing the applicant's suit wherein he had unlawfully made claims on the Respondents' land and having lost the main suit, the applicant lost the "prima facie case".
15 Secondly that the applicant might suffer irreparable damage which would not be adequately compensated in damages. According to counsel, no irreparable damage can be foreseen from a person who divested his interest as it was a falsehood for the applicant to claim that he was still in occupation. Thirdly, that the balance of convenience was in favour of the respondents because they are
20 the registered proprietors and were in possession.

Counsel further submitted that the applicant seeks for an order of stay of proceedings and not stay of execution, as such, there are no proceedings to stay in the lower Court or in this Court and for the grounds for stay of execution, there was no decree to stay.

25 Regarding the conditions that the applicant must satisfy to justify the grant of an interim order, counsel for the respondents admitted that there was a Notice

5 of Appeal. Secondly that the respondents were not aware of the existence of the substantive application and thirdly that there was no evidence of any threatened execution of the decree because the respondents were in occupation of their property with their land titles and the decree sought to be stayed was not attached to the application. Counsel prayed that the application be dismissed.

10 In rejoinder, counsel for the applicant raised a point of law and submitted that the affidavit in reply offended Order 1 Rule 12 of the CPR because it was sworn by the first respondent only without the authority of the 2nd respondent. He relied on ***Bishop Patrick Baligasiima V Kiiza Daniel & Ors, High Court Misc. Application No.1495 of 2016.***

15 Regarding the issue of abuse of Court process, counsel submitted that Miscellaneous Application No.011 of 2021 was filed in error because the applicant had tried before to obtain a stay of execution but was denied and had abandoned the idea. Further that the same application had never been served on the respondents nor endorsed by Court. That the applicant instead filed Civil
20 Application No.230 of 2021 for a temporary injunctive order and later Civil Application No.248 of 2021 for an interim order pending the determination of the former. Counsel reiterated his earlier prayers.

I have carefully studied the submissions of both counsel and considered the evidence on record. Rules 6(2), 42(2) and 43 of the rules of this Court give wide
25 discretion to this Court to grant interim or substantive orders of stay of execution for purposes of preserving the right of appeal, but this should be where special

5 circumstances exist. See **Lawrence Musitwa Kyazze V Eunice Busingye, Supreme Court Civil Application No.18 of 1990.**

Before I delve into the merits of this application, I wish to dispose of the preliminary issue raised by counsel for the applicant to the effect that the affidavit in reply sworn by Kikonyongo Richard on 18th October, 2021 offends
10 the provisions of Order 1 Rule 12 of the CPR in so far as it is sworn by the first respondent who purports to act for the 2nd respondent as well but without authority from the latter. He relied on **Bishop Patrick Baligasiima V Kiiza Daniel & Ors, High Court Misc. Application No.1495 of 2016** which is to the effect that an affidavit is defective by reason of being sworn on behalf of another
15 without showing that the deponent had the authority of another.

O.1 Rule 12 states as follows;

- 1) *Where there are more plaintiffs than one, any one or more of them may be authorised by any other of them to appear, plead or act for that other in any proceedings, and in like manner, where there are more defendants
20 than one, any one or more of them may be authorised by any other of them to appear, plead or act for that other in any proceedings.*
- 2) *The authority shall be in writing signed by the party giving it and shall be filed in the case.*

I have read the affidavit in reply sworn by the 1st respondent and dated 18th
25 October, 2021. Paragraphs 1 and 2 state as follows;

- 5 1. *That I am a male adult Ugandan of sound mind and the 1st Respondent herein with capacity to swear this affidavit.*
2. *That our advocates, M/S JP Baingana & Associated Advocates have read and explained to me and the 2nd respondent the contents of the affidavit of the applicant in support of the application and hereunder I*
- 10 *make reply thereto for the respondents.*

The 1st respondent clearly appears to have the authority to swear the affidavit on behalf of the 2nd respondent but has not attached the said authority. I am persuaded by the decision of Bashaija K. Andrew in ***Lena Nakalema Binaisa & 3 Ors V Mucunguzi Myers, High Court Miscellaneous Application No.0460 of 2013*** where he held that;

15

“An affidavit is defective by reason of being sworn on behalf of another without showing that the deponent had the authority of the other. In this case the affidavit is incurably defective for non-compliance with the requirements of the law.”

20 Consequently, the affidavit sworn by Kikonyogo Richard and dated 18th October, 2021 is hereby struck off for non-compliance with O.1 R12 of the CPR.

In an application proceeding by affidavit evidence, where there is no opposing affidavit, the application stands unchallenged. See decision of Lugayizi, J in ***Makerere University V St. Mark Education Institute Ltd & Ors (1994) KALR***

25 **26.**

5 The applicant brought this application under sections 10 and 12 of the
Judicature Act, Rules 2(2), 6(2) (b), 43(1) and (2) of the Rules of this Court
seeking for an interim order of injunction and an interim order of stay of
proceedings in the High Court of Mpigi, Civil Suit No.08 of 2018, Lugya Andrew
V Sembatya Joseph & Kikonyogo Richard until the hearing and final
10 determination and disposal of Civil Application No.230 of 2021.

In paragraph (e) of his affidavit in support of the application, the applicant stated
that on the 10th of August 2020, Hon Lady Justice Cornelia Kakooza Sabiti
dismissed Civil Suit No. 08 of 2018 with costs. I would therefore wonder which
proceedings the applicant seeks to stay when there is already a judgment of the
15 lower Court.

Stay of proceedings is a temporary suspension of the regular order of proceedings
in a cause by direction or order of the Court, usually to await the action of one
of the parties in regard to some omitted step or some act which the Court has
required him to perform as incidental to the suit. ***See Black's Law Dictionary,***
20 ***4th Edition.***

It is usually a relief in the form of suspension of proceedings in an action, which
may be temporary until something requisite or ordered is done; or permanently,
where to proceed would be improper.

As a matter of law, a stay of proceedings puts a stop or a stay on another conduct
25 of the proceedings in Court at the stage to which those proceedings have reached.
An order of stay of proceedings avoids the trial or hearing of the action taking

5 place where the Court finds it just and convenient to make such Order. See
Ruling of Cheborion Barishaki, JA in **Godfrey Sentongo V David Balya
Katumba, Court of Appeal Civil Application No.274 of 2017.**

I cannot therefore grant the second order of stay of proceedings in the High Court
of Mpigi Civil Suit No.08 of 2018, Luggya Andrew V Sembatya Joseph and
10 Kikonyogo Richard because there are no proceedings to stay. There is a judgment
of Court dated 10th August, 2020 where Lady Justice Cornelia Kakooza Sabiiti
dismissed the suit with costs. See paragraph (C) of the application, paragraph
(e) of the affidavit in support of the application.

Nevertheless, I will proceed to determine the application whether an interim
15 order of injunction being sought by the applicant restraining the respondents,
their agents, servants, workers and any other person acting on their behalf or
any other person interfering with selling, mutating, transferring, evicting or
anybody deriving interest from them from disposing off or receiving any payment
in respect of land comprised in Mawokota Block 92 plots 190, 193 & 242
20 (754,755,756,757,758,759,760,761 all out of plot 242) can be granted pending
the determination and final disposal of Civil Application No.230 of 2021 arising
from the High Court of Mpigi Civil / Land Suit No.08 of 2018, Luggya Andrew
Versus Sembatya Joseph and Kikonyogo Richard.

In **Zubeda Mohamed & Sadru Mohamed V Laila Kaka Wallia & Anor,**
25 **Supreme Court Civil Reference No.07 of 2016** which cited with approval

5 ***Hwan Sung Industries Ltd vs. Tajdin Hussien and 2 others SCMA No. 19 of 2008***, the Supreme Court stated as follows;

10 *“Considerations for the grant of an interim order of stay of execution or interim injunction are whether there is a substantive application pending and whether there is a serious threat of execution before hearing of the substantive application. Needless to say, there must be a Notice of Appeal. See **Hwan Sung Industries Ltd vs. Tajdin Hussien and 2 others SCMA No. 19 of 2008.***

In summary, there are three conditions that an applicant must satisfy to justify the grant of an interim order:

- 15
- 1. A competent Notice of Appeal;*
 - 2. A substantive application; and*
 - 3. A serious threat of execution.”*

A notice of appeal was filed in the High Court of Uganda at Mpigi on the 18th day of August 2020 as per annexure “BB” attached to the applicant’s application. The applicant also filed a Memorandum of Appeal marked as
20 annexure “CC”.

The applicant further filed a substantive application referenced as Civil Application No.230 of 2021 for an order of injunction and stay of proceedings of orders of the High Court of Uganda at Mpigi in Civil Suit No.08 of 2018 which is
25 pending hearing and determination before this Court although the applicant did

5 not avail Court with a copy of this application. However from the Registry records, the same was filed on 3rd September, 2021.

As to whether there is a serious and imminent threat of execution before hearing of the substantive application, counsel for the applicant submitted that a serious threat of execution existed because after the dismissal of Civil Suit No.08 of 10 2018, the respondents went ahead to cause a sub-division of the disputed land comprised in Mawokota Block 92 Plots 242 (into plots 754, 755,756,757,758,759,760,761). That the respondents have threatened to evict the applicant and other persons deriving interest from him or the late Naluggya Tereza. I therefore find that there is a serious threat of execution.

15 For the reasons above, I allow the application and make the following orders:-

1. An interim order of injunction is hereby issued restraining the respondents, their agents, servants, workers and any other person acting on their behalf or any other person interfering with selling, mutating, transferring, evicting or anybody deriving interest from them from 20 disposing off or receiving any payment in respect of land comprised in Mawokota Block 92 plots 190, 193 & 242 (754,755,756,757,758,759,760,761 all out of plot 242) pending the determination and final disposal of Civil Application No.230 of 2021 arising from the High Court of Mpigi Civil Suit No.08 of 2018, Lugya 25 Andrew Versus Sembatya Joseph and Kikonyogo Richard.

5 2. The costs of this application shall abide the outcome of the substantive application for an order of injunction.

3. The Registrar of this Court is hereby directed to cause list **Civil Application No. 230 of 2021** for hearing in the next 21 days.

I so order.

10 Dated at Kampala this 8th day of Dec 2021.



CHEBORION BARISHAKI

JUSTICE OF APPEAL