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THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA HOLDEN AT GULU MISCELLANEOUS APPLICATION NO. 0141 OF 2023 (ARISING FROM CIVIL SUIT NO. 035 OF 2018)

ATTORNEY GENERAL APPLICANT

VERSUS

OOLA PETER RESPONDENTS

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BEFORE: HON. MR. JUSTICE GEORGE OKELLO

RULING

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This is an application for setting aside Consent Judgment entered into by the Parties in Civil Suit No. 035/2018. Therein, the Attorney General agreed to compensate the Respondent for land occupied by the UPDF on Plot 91 Kanyagoga, Gulu City but subject to conditions stipulated in paragraph 2 & 3 of the Consent. The conditions were that, compensation would only be paid upon disposal of Civil Suit No. 001/2018 between Opio Anthonette Adam Vs. Attorney General, then pending in Court, and, upon valuation of the suit land by Chief Government Valuer. Unknown to the Attorney General, (the present Applicant), the subject – matter of compensation and Consent Decree was subject of another suit between the Respondent and a one Kaggwa Michael. That suit was lost by the present Respondent and Kaggwa Michael apparently was found to own the suit land. Given these developments, the Applicant now seeks to have the



- Stephen, set aside. The impunged Consent Decree is attached to the Motion, and the decision in which the Respondent is shown to have lost legal battle to Kaggwa Michael is also attached to the affidavit in support of the motion. The law on setting aside Consent Decree is well settled.

 The grounds upon which Courts proceed need no further emphasis. It is those grounds upon which a Court would set aside a contract. See Attorney General & Uganda Land Commission Vs. James Mark Kamoga & James Kemala (SCU) Civil Appeal No. 08/2004. In this case, misapprehension of material fact, and or mistake thereof, has been pleaded. I find that the same has been proved on the balance of probability. I allow the Motion, and Order as follows;
 - Consent Decree entered in Civil Suit No. 035/2018 between Oola Peter & Attorney General, on 09th July 2019 before this Court, is set aside.
 - 2. Civil No. 035/2018 shall be heard on merit.
 - 3. No order is made as to costs, since the matter has proceeded exparte. It is so ordered.

Delivered and dated at Gulu this 08th April, 2024.

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George Ökello JUDGE 5 Ruling read in Open Court

08th April, 2024

Attendance

Mr. Amuru Shaffi, SSA from Attorney General's Chambers, for the

10 Applicant.

Maj. Fredrick Kangwamu, Legal Officer Military Land Board, Ministry of Defence & Veterans Affairs, in court.

The Respondent absent.

No Counsel for the Respondent (unrepresented).

15 Mr. Ochan Stephen, Court Clerk.

George Okello

JUDGE