

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(LAND DIVISION)**

CIVIL SUIT NO. 322 OF 2009

[ARISING FROM CIVIL SUIT NO. 829 OF 2015)

MOSES BULUGENI :::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::PLAINTIFF

VERSUS

VINCENT ROBERT NTAMBI:::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::::DEFENDANT

Before: HON. MR. JUSTICE HENRY I. KAWESA

PROCEEDINGS

24/09/2017:

Kavuma Issa for the Plaintiff

Plaintiff present.

Defendant present.

Ntende Counsel for the Defendant absent.

Kavuma:

Proceedings were stayed pending an appeal in Criminal Case No. 45 of 2015, where the Defendant was convicted of fraudulent transfer of the suit land. All orders were granted by the Criminal Court. We pray that the mater be withdrawn.

Defendant: I pray we hear the same.

Court:

Since Counsel for the Defendant is not in Court, this being a backlog case, I will grant a final adjournment to the parties to appear and the Plaintiff' counsel formally moves Court to have the matter withdrawn, in the presence of the Counsel for the Defendant. Matter adjourned to the 31st October 2017 at 9.00 am.

Sgd:

H. I. Kawesa

JUDGE

31/10/2017:

Sozzi Stephen for the Plaintiff

Plaintiff present.

Defendant present.

Ntende Fred absent.

Sozzi:

The matter was sufficiently handled by the criminal matter which is in Court in the High Court Criminal Division, where Hon. Joseph Murangira ordered for cancellation of the Certificate of Title which is the same subject matter before Court.

The cancellation was already done. The subject matter was resolved by Court. We pray that we be allowed to withdraw the matter, in any likely event that the Court of Appeal orders otherwise the matter can always be re-instated.

Defendant in person:

I oppose because the criminal matter is on appeal and it will prejudice our case.

Court:

The reason why parties came to Court has been resolved. Criminal matters take precedence. Now that the Plaintiff has officially withdrawn the matter so as to concentrate on the Criminal Appeal which is hinged on the same subject matter and since cancellation has already been done, it is futile to keep this file pending since 2009.

In the premises, under the Judicature Act, Section 17(2)(a) in order to curtail further delay, the prayer for withdraw is granted with no costs.

Parties should pursue their further interests in the Court of Appeal.

I so order.

.....

Henry I. Kawesa

J U D G E

31/10/2017