

**THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA AT KAMAPALA
CIVIL APPLICATION NO. 313 OF 2020
[Arising from M.A. No. 846 of 2020 and HCCS No. 43 of 2020]**

5
1. **HAM ENTERPRISES LTD**
2. **KIGGS INTERNATIONAL (U) LTD ::::::::::: APPLICANTS**
3. **HAMIS KIGGUNDU**

VERSUS

10
1. **DIAMOND TRUST BANK (U) Ltd**
2. **DIAMOND TRUST BANK (K) LTD ::::::::::: RESPONDENTS**

15
*(Application from the Judgment and Orders of the Hon. Mr. Justice
Flavian Zeija, Principal Judge of the High Court of Uganda at
Kampala dated 02nd November 2020 HCMA No. 846 of 2020)*

15
CORAM: HON. MR. JUSTICE RICHARD BUTEERA, DCJ |
HON. MR. JUSTICE KENNETH KAKURU, JA |
HON. MR. JUSTICE CHRISTOPHER MADRAMA, JA

20
RULING OF THE COURT

25
This is an application brought under **Rule 2(1) of the Rules of
this Court** seeking for leave to appeal against the **Ruling and
Orders of Hon. Justice Flavian Zeija, Principal Judge, dated
2/11/2020 in High Court Miscellaneous Application No. 846
of 2020**, in that application, the Principal Judge stayed **Execution
of Judgement and Decree of the Hon. Justice Henry Adonyo
in High Court Civil Suit No. 43 of 2020** pending an appeal
therefrom to this Court.

30
When this application came up for hearing Mr. Fred Muwema and
Arnold Kimara appeared for the applicants while Mr. Kiryowa

Kiwanuka, Usame Ssebunya and Richard Bibangamba appeared for the respondents, which we have read.

The applicants filed an affidavit in support of the application. The respondents responded with a reply thereto. Both parties have
5 proceed by way of written submissions.

The application is concerned with the legality and propriety of the **Proceedings, Ruling and Orders issued by Principal Judge in the HCMA 846 of 2020.**

The Principal Judge granted to the respondent an order of stay of
10 execution pending appeal to this Court. That order has since lapsed as the appeal referred to therein has been fixed for hearing today. This has rendered the application moot. We have no reason to consider or entertaining it. We accordingly dismiss it with no order as to costs.

15 Had we not dismissed it for the reasons set out above, we would still have dismissed it on account of being misconceived. There is only one High Court in Uganda. Any Judge of the High Court, anywhere in this Country has jurisdiction to hear any suit civil or criminal. Court files may move from one High Court Judge to
20 another as may be directed by The Principal Judge, Heads of Division, and Registrars or by order of appellate court.

Every individual Judge of the High Court has jurisdiction to hear and determine any matter brought before him or her at any stage of the proceedings even if it is just to write a judgement. The
25 Principal Judge, Head of Division or Head of a Circuit Court in

respect of the specific division or circuit may remove any matter pending before one Judge or Registrar and allocate it to another.

We observe therefore that, the grounds set out in this application are misconceived. We would therefore have declined to grant leave to appeal for the Principal Judge's order.

This decision disposes of **Civil Appeal 313 of 2020** in respect of the same matter which is also dismissed for the same reason that it has also been overtaken by events, in that the appeal, the pendency of which the stay was granted has now come up for hearing.

We make no order as to costs in that appeal.

Dated at Kampala this.....27th.....day of.....Jan.....2021.



HON. JUSTICE RICHARD BUTEERA
DEPUTY CHIEF JUSTICE.



HON. KENNETH KAKURU
JUSTICE OF APPEAL.



HON. CHRISTOPHER MADRAMA
JUSTICE OF APPEAL.