

THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA (COA) AT KAMPALA
ELECTION PETITION APPLICATION NUMBER 0026 OF 2022

MUJUNGU JENNIFER K ===== APPLICANT

VS

1. TUMWINE ANNE MARY
2. ELECTORAL COMMISSION } =====**RESPONDENTS**

CORAM: HON. MR. JUSTICE GEOFFREY KIRYABWIRE, JA

HON. MR. JUSTICE MUSOTA STEPHEN, JA

HON. MR. JUSTICE GASHIRABAKE CHRISTOPHER, JA

RULING OF COURT

This is an Application by way of Notice of Motion under Rules 19 & 36 of the Parliamentary Elections (Election Petitions) SI 141-2, Rules 2(2) & 5 of the Judicature (Court of Appeal) Rules Directions S.I 13-10 seeking for Orders that time within which to file and serve Memorandum of Appeal and the Record of Appeal in Election Petition Appeal No.77 of 2021 be extended and/or to validate the Memorandum of Appeal and the Record of Appeal in this Appeal and the costs of Application.

When this Application was called up for hearing, Counsel Jude Byamukama appeared for the Applicant, Mr. Thomas Ochaya & Esawa Isingoma represented the 1st Respondent and Mr. Erick Sabit for the 2nd Respondent.

Court found that there also existed another Application NO. 25 of 2022, which was filed on 15th February, 2022 by the 1st Respondent seeking to strike out the Appeal

and also Application No. 29 of 2022 filed by the 2nd Respondent (Electoral Commission) on 17th February, 2022 also seeking the same Orders on substantially the same grounds.

For purposes of case management, court inquired whether lawyers could extend professional courtesies across the bar and accept the validation in this Application and withdraw Applications No. 25 of 2022 and No. 29 of 2022 and deal with the Appeal. Mr. Thomas Ochaya for the Applicant in Application No. 25 of 2022 informed Court that he had no instructions to withdraw the Application. For such reasons the hearing was stood over for the lawyers to consult their respective clients.

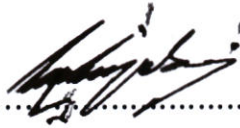
When court resumed, Mr. Thomas Ochaya informed Court that he had now received instructions to withdraw the Application and Mr. Eric Sabit for the Application No. 29 of 2022 also conceded to withdraw the Application.

Consideration of court.

After guidance by Court on the role of Advocates to their clients and responsibility to the Court to dispense substantive justice the parties by consent agreed to withdraw the Applications.

This Court by reason of the consent of the parties now allows the validation in Election Petition Application No. 26 of 2022, and the withdrawal of Applications No.25 of 2022 and No.29 of 2022 by reason of the said concessions each party bearing their own costs.

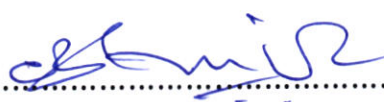
Dated at Kampala this.....^{28th}..... day of.....^{MARCH}.....2022.



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HON. MR. JUSTICE GEOFFREY KIRYABWIRE
JUSTICE OF APPEAL



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HON. MR. JUSTICE MUSOTA STEPHEN
JUSTICE OF APPEAL



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HON. MR. JUSTICE GASHIRABAKE CHRISTOPHER
JUSTICE OF APPEAL