

THE REPUBLIC OF UGANDA
IN THE COURT OF APPEAL OF UGANDA AT KAMPALA
ELECTION PETITION APPLICATION NO. 24 OF 2021
{Arising out of Election Petition Appeal No. 059 of 2021}

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CORAM:

HON. MR. JUSTICE RICHARD BUTEERA, DCJ
HON. LADY JUSTICE CATHERINE BAMUGEMEREIRE, JA
HON. LADY JUSTICE IRENE MULYAGONJA, JA

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KAGYERERO RONALD::::::::::::: APPLICANT/APPELLANT

VERSUS

1. **MUWUMA MILTON KALULU**
2. **ELECTORAL COMMISSION ::::::::::::::: RESPONDENTS**
*(Arising out of the Judgment of Susan Abinyo, J in Election
Petition No. 8 of 2021 which was delivered on 15th October 2021)*

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RULING OF THE COURT

Background

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The Applicant, the 1st respondent and 14 others contested for the position of Member of Parliament for Kigulu South Constituency, Iganga District held on 14th February 2021. The 2nd respondent declared and gazetted the 1st respondent as the duly elected Member of Parliament for Kigulu South Constituency.

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The applicant, Ronald Kagyerero filed Election Petition Appeal No. 8 of 2021 in the High Court at Jinja seeking to annul the election of the 1st respondent on grounds that he was not a registered voter and did not possess the requisite minimum academic qualifications set by law to stand as a Member of



Parliament. On 15th October 2021, the petition was dismissed with costs.

The applicant being dissatisfied with the decision of the High Court, filed a Notice of appeal in the High Court of Jinja on 21st October 2021 and on 27th October 2021 he filed a Memorandum of Appeal and served it on the respondents on 28th October 2021. The applicant then filed, in this court, the Record of Appeal on 10th December 2021 and served the same on the respondents who protested its late filing. On 13th December 2021, the applicant filed Election Petition Application No. 24 of 2021 (the instant application) seeking to extend the time within which to file the Record of Appeal or to validate the Record of Appeal filed out of time.

The applicant brought this application by Notice of Motion under rules 5, 42 (2), 43 (1), 44 and 83 (3) of the Judicature (Court of Appeal) Rules SI 13-10 and rules 31 & 36 of the Parliamentary Elections (Interim Provisions) (Election Petition) rules SI 141-2 seeking orders that;

1. The time within which the applicant may file the record of appeal in Election Petition No. 59 of 2021 be extended.
2. The act of filing the record of appeal in Election Petition No. 59 of 2021 filed on 10th December 2021 be validated.
3. The costs of the application abide the outcome of the appeal.

The grounds of the application are found in the affidavit of the applicant, Ronald Kagyerero which briefly states as follows;

