

**THE REPUBLIC OF UGANDA**  
**IN THE COURT OF APPEAL OF UGANDA AT KAMPALA**

*[Coram: Egonda-Ntende, Kibeedi & Gashirabake, JJA]*

Consolidated Civil Appeal Nos. 78 of 2014 & 79 of 2014

**BETWEEN**

- 1) **WESTERN HIGHLAND CREAMERIES LTD ]**  
2) **LEE NGUGI ] ::::::::::::::::::::::::::::::::::: APPELLANTS**

**AND**

**STANBIC BANK UGANDA LTD ::::::::::::::::::::::::::::::::::: RESPONDENT**

*(On appeal from the Judgments of High Court of Uganda (Commercial Division), [Madrama, J] (as then he was) delivered on 30<sup>th</sup> April, 2013 in Taxation Appeal No. 05 of 2013, and on 30<sup>th</sup> August 2013 in Taxation Appeal/Reference No. 10 of 2013)*

**JUDGMENT OF MUZAMIRU MUTANGULA KIBEEDI, JA**

**Introduction**

- [1] The major question that has been at the center of the litigation ping-pong between the above parties, which eventually metamorphosized into the above consolidated appeals, is the determination of the appropriate fee scale for purposes of assessment of the instruction fees due to the respondent as the successful litigant following the dismissal of the appellants' claim against the respondent in Civil Suit No. 462 of 2011 of the High Court of Uganda, Commercial Division, for being barred by limitation.

**Background facts**

- [2] The appellants filed an action against the respondent and two others in the High Court of Uganda, Commercial Division, alleging breach of the mortgage deed, the debenture deed, further charge and mortgage deed. They sought among others, an order for recovery of physical and vacant possession of land, plant and business comprised in

