

**THE REPUBLIC OF UGANDA  
IN THE COURT OF APPEAL OF UGANDA AT  
KAMPALA  
CIVIL APPEAL NO.81 OF 2020**

5 **Coram**

**[Bamugemereire, Kibeedi, Gashirabake JJA]**

**DR DIANA KANZIRA :::::::::::::::::::::::::::::: APPELLANT  
VERSUS**

10 **1.HERBERT NATUKUNDA RWANCHWENDE  
2.ROBERT TUKAMUHABWA**

**RWANCHWENDE :::::::::::::::::::::::::::::: RESPONDENT**

*(An appeal arising out of the Judgment and Orders of Joyce Kavuma J, in  
High Court Civil Suit No.61 of 2009 dated 11<sup>th</sup> September 2019 at Mbarara)*

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*Land Law – validity of a land transaction/contract with  
someone who is allegedly mentally unsound.*

*Succession Law – undistributed estate; lack of inventory*

*Contract Law – conduct that validates a contract – specific  
performance –interest - costs.*

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**JUDGMENT OF CATHERINE BAMUGEMEREIRE JA**

**Introduction**

25 The 1<sup>st</sup> respondent, Herbert Rwanchwende instituted HCCS  
No.621 of 2007 in the Land Division of the High Court of  
Uganda, disputing a land transaction between the appellant  
and the 2<sup>nd</sup> respondent. This suit was later transferred to the  
High Court circuit of Mbarara where it was registered as  
30 High Court Civil Suit No.061 of 2009. The learned Justice of  
the High Court found in favour of the 1<sup>st</sup> respondent, hence  
this appeal.

