



THE REPUBLIC OF UGANDA

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

*(Coram: Madrama, Mulyagonja & Mugenyi, JJA)*

**CIVIL APPEAL NO. 208 OF 2018**

**BETWEEN**

**JENNIFER NSUBUGA ..... APPELLANT**

**AND**

**1. MICHAEL MUKUNDANE**

**2. SHINE ASIIMWE ..... RESPONDENTS**

**(Appeal from the Judgment of the High Court of Uganda at Kampala (Bashaija, J) in  
Civil Appeal No. 105 of 2017)**

## JUDGMENT OF MONICA K. MUGENYI, JA

### A. Introduction

1. Mr. Michael Mukundane and Ms. Shine Asiimwe ('the Respondents') instituted **Civil Suit No. 246 of 2017** in the Chief Magistrates Court of Makindye ('the Trial Court) alleging trespass by Ms. Jennifer Nsubuga ('the Appellant') on their land comprised in Kyadondo Block 273 Plot 8543 at Makindye – Luwafu ('the suit land'). Judgment in that case was rendered against the Respondents whereupon they lodged an appeal in the High Court ('the First Appellate Court').
2. The Respondents succeeded on all eleven (11) grounds of appeal before the First Appellate Court. Dissatisfied with the decision of that court, the Appellant has since lodged this Second Appeal before this Court challenging the judgment and orders of the High Court (Bashaija, J) in **Civil Appeal No. 105 of 2017**.
3. The Appellant was represented at the hearing of this Second Appeal by Mr. Musa Nakueira, while Mr. David Bwambale appeared for the Respondents.

### B. Factual Background

4. Both parties to this Appeal lay claim to the suit premises, the Appellant claiming to have purchased the land in 2006 from Messrs James Sekitoleko and Peter Mugerwa, the administrators of the estate of one James Joash Ssali (now deceased), who was the registered proprietor of the land. The Appellant's purchase of the land was allegedly witnessed by Ms. Sheila Idrisa, who also was the caretaker of the land. Meanwhile, the Respondents claim to have in 2013 bought the same piece of land as a kibanja in Kizungu zone – Makindye from the same Sheila Idrisa, and later converted the kibanja into a lease from the Buganda Land Board.
5. In the belief that the Appellant's purchased a different piece of land that is registered as LRV 772 Folio 17 Block 273 plot 79 Kyadondo, the Respondents lodged **Civil Suit No. 246 of 2017** in the Trial Court for declarations that they are they are the rightful owners of the suit premises and the Appellant is a trespasser on the same land, as well as orders