

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
COMMERCIAL COURT DIVISION

HCT-00-CC-OS-0017OF 2006

THE COOP BANK LTD ..... APPLICANT/PLAINTIFF

**VERSUS**

GODFREY BAZANYE .....RESPONDENT/DEFENDANT

BEFORE: HON. MR. JUSTICE LAMECK N. MUKASA

**RULING:**

This is an application taken out by way of an originating summons under sections 7 and 8 of the Mortgage Act and Order 34 rules 3A and 7 (now Order 37 rule 4 and 8) of the Civil Procedure Rules. M/S Cooperative Bank Ltd (in Liquidation) claims interest as an equitable mortgagee in respect of land comprised in Buruli Block 82 Plot 2 Katebe and MRV 95 Folio 14 Bukoto as security under an equitable mortgage created and registered by way of caveats vide instrument Nos BUK 47470 and KLA 124531.

The application is supported by an affidavit deposed to by Ben Sekabira the Bank of Uganda Coordinator Cooperative Bank Ltd (in liquidation). It is averred therein that while an employee of the Applicant Bank, the Respondent obtained a credit facility. As security the Respondent deposited the titles in respect of his land known as MRV 95 Folio 14 Bukoto and Land at Bululi Block Plot 2 Katebe pursuant of a Power of Attorney granted by the registered proprietor thereof one Yokana Walaga. The Respondent defaulted in payment and the amount outstanding as at 30<sup>th</sup>

September 2004 is shs62, 757,790. Annexed to the affidavit are photocopies of the Certificates of Title, the Power of Attorney by Yokana Walaga and Certificate of balances.

The applicant intends to seek orders for:

1. Fore closure of the defendant's equity of redemption of the mortgaged properties.
2. Offer for sale by the mortgagee of the mortgaged pieces of land consequent upon the order of fore closure
3. Further and other relief.
4. Costs of the suit.

I have carefully studied the applicant and the affidavit in support and I find that the facts raised therein are sufficient to warrant Originating Summons to issue and I accordingly so order. The said Yokana Walaga as the registered proprietor of the land at Buluri Block 82 Plot 2 Katebe has an interest in its redemption. In the interest of justice it is further ordered that a copy of the Originating Summons be also served on the said Yokana Walaga. I so order.

Hon. Mr. Lameck N. Mukasa

Judge

22/09/2006

