

**THE REPUBLIC OF UGANDA**

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

**HCT-00-CC-CS-805-2007**

**JIMA PROPERTIES LTD:::::::::::::::::::::::::PLAINTIFF**

**-Vs-**

**KAMPALA DISTRICT LAND BOARD:::::::::::::::::DEFENDANT**

**BEFORE: HON MR. JUSTICE ANUP SINGH CHOUDRY**

**R U L I N G**

This is a claim brought by Jima Properties Limited against the Defendants Kampala district Land Board in the sum of 141, 232, 489 shillings and also for the sum of 150,000 US dollars being the general damages and costs.

The facts of the case are:

That on the 7<sup>th</sup> August 2004 the Plaintiff applied to the Defendant for a lease of Plot 19 Bombo Road Kampala and on the 11<sup>th</sup> August 2004 the Defendant offered the Plaintiff lease of the said Plot. However, on completion of the lease the Plaintiff applied for Certificate of Title in their

name and discovered that the Defendants were not the controlling authority for the said Plot nor did they have the powers to lease the said land.

The Plaintiffs themselves had represented to the Defendants that they the Defendants were the controlling authority and therefore went ahead with the lease.

The Defendants contend that under paragraph 8 of the lease offer the offer was made subject to land being available and free from any dispute at the time of survey.

This claim against the Defendants is clearly misconceived. If the Plaintiffs have any actions it would have been against their Professional advisers who acted for them in procuring the lease. The Professional advisers wherever they may be had a duty of care to their clients in ensuring that they had made all the enquiries and searches so as to satisfy themselves that the title that was being transferred to their clients was not encumbered or that the Lessors were indeed the Defendants Kampala district Land Board and that they were given title. The Plaintiffs or their Professional advisers did not do their job and subsequently the title was found to be defective, but that is what the Defendants cannot be blamed for that and there is no cause of action against the Defendants because the Defendants did not make any misrepresentation nor are they guilty of any fraud or deception.

The claim is therefore dismissed with costs.

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**Anup Singh Choudry**

**Judge**

**27/01/2009**