



**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**(COMMERCIAL COURT DIVISION)**  
**MISCELLANEOUS APPLICATION No. 1263 OF 2020**  
**(Arising from MA 1246 of 2020)**  
**(Arising from MA 1233 of 2020)**  
**(Arising from H.C.C.S. No. 1069 of 2020)**

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- 1. NASSOLO JOAN
- 2. SARAH NDAGIRE .....APPLICANTS

**VERSUS**

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- 1. EQUITY BANK (u) LTD
- 2. SEKABIRA DENIS AKA SEKABIRA DENES
- 3. COMMISSIONER LAND REGISTRATION  
..... RESPONDENTS

**BEFORE HON. MR. JUSTICE RICHARD WEJULI WABWIRE**

**RULING**

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This Application was brought ex parte under order 52 r 1 & 3 CPR, S.41 (2) JA, Rules 3&\$ Court Vacation Rules and S.98 CPA seeking orders that a certificate of urgency be issued to enable MA 1246 of 2020n already fixed n this Court to be heard during this Court vacation and for costs of the Application to be provided for.

25 The Application is supported by the Affidavit of Nassolo Joan deponed on the  
24/12/2020 and in there, the grounds of the Application are stated, but briefly  
are that while the Applicants have filed an Application for orders to restrain the  
Respondents from evicting them and in way whatsoever dealing in the suit  
property, the Respondents have threatened to evict the Applicants and to  
30 occupy the suit property before MA 1246 and CS 1069 of 2020 are disposed of.  
That there is therefore imminent danger of the status quo being changed and  
the proceedings or orders arising out of the pending application rendered  
nugatory.

Counsel for the Applicants adopted the averments in the Affidavit in Support  
35 and as part of their submissions.

In their submissions and in the Affidavit in support of the Application, the  
Applicants averred that the Respondents fraudulently sold the suit property to  
a fictitious person and are now in the process of having the names changed.

To be treated as urgent, the Applicants must establish imminent danger to the  
40 existing rights and the possibility of irreparable harm. The Applicants have  
succinctly stated the circumstances that render the matter urgent. These  
include imminent risk of eviction during this court vacation, before the interim  
order Application is heard and disposed of.

Having applied my mind to the circumstances of the case as averred in the  
45 Affidavit in Support and in the Application, I am satisfied that the matter sought  
to be brought to the attention of court in the interim Application MA 1246 of  
2020 warrant issuance of a certificate of urgency to be heard during this Court  
vacation.

In the event, the Applicants are granted a certificate of urgency to enable  
50 hearing of MA 1246 of 2020 during this court vacation on 4 January 2021 at  
9.00 am.

I so order

Delivered at Kampala and signed copies for the parties placed on file this 29<sup>th</sup>  
day of December, 2020.

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**RICHARD WEJULWABWIRE**

**JUDGE**