

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT AT KAMPALA  
[COMMERCIAL COURT]

M.A No. 973 of 2021

(Arising from M.A No. 972 of 2021, M.A No.971 of 2021 and Civil Suit  
No.451 of 2021)

MUGISHA HELLEN RUCOGOZA:::::::::::::::::::::::::::::::::APPLICANT

VERSUS

1. SSETIMBA ANDREW
2. ALLAN MUGISHA NYIRIKINDI
3. COMICO INTERNATIONAL LTD
4. TROPICAL BANK LIMITED:::::::::::::::::::::::::::::::::RESPONDENTS

**BEFORE: HON.JUSTICE DUNCAN GASWAGA**

**RULING**

[1] This is an ex parte application for a 'Certificate of Urgency' brought by the applicant under Section 98 CPA, Order 52 rules 1 and 3 of the Civil Procedure Rules (SI 71-1) to hear the applicant's applications for interim order of an injunction and for a temporary injunction i.e **M.A No. 972 of 2021** and **M.A No. 971 of 2021**. The application is supported by an affidavit of the applicant, Mugisha Hellen Rucogoza which expounds on the grounds relied on and are briefly as follows;

1. *That the applicant by virtue of being married to the 2<sup>nd</sup> respondent and the suit property being matrimonial property, the applicant is entitled to a share thereto and to consent and be informed about any transaction.*



2. *That without the applicant's knowledge and consent, the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents transferred the suit land to the 4<sup>th</sup> respondent and the same was agreed to in a memorandum of understanding that the applicant was not party to.*
3. *That the 2<sup>nd</sup> and 3<sup>rd</sup> respondents failed to fulfill the terms of the memorandum of understanding which has led to the suit land being put up for sale by public auction/private treaty.*
4. *That if the actions of the respondents are not stopped the applicant will suffer irreparable loss and the main suit will be rendered nugatory since they are in the process of illegally annexing or appropriating the suit land to the applicant's detriment.*
5. *That it is in the interest of justice that a certificate of urgency be issued to enable court expeditiously stop the respondent's gross conduct in respect of the suit land.*

[2] According to rule 4 of the **Judicature (Court Vacation ) Rules SI 13-20,**

*"In vacation the court shall deal with criminal business but shall not sit for the discharge of civil business other than such civil business as shall, in the opinion of the presiding judge, be of an urgent nature."*

[3] After diligently perusing the pleadings on record, I find that the application carries merit. I am convinced that these are fit and proper cases where an exception should be made for them to be heard during



this period of court vacation. If the application for temporary injunction is not heard now, yet the respondents have started and intend to carry through with the sale of the suit property as indicated in the New Vision newspaper, there is a high likelihood of injustice being occasioned to the applicant.

- [4] **Accordingly, the interests of justice dictate that a certificate of urgency as sought by the applicant be and is hereby granted pursuant to rule 4 of the Judicature (Court Vacation) Rules SI 13-20.**
- [5] In the circumstances therefore, the Registrar of this court is hereby directed to fix the applications for interim order of injunction and for a temporary injunction, **M.A No. 972 of 2021** and **M.A No. 971 of 2021** respectively for hearing and also ensure that the applicants notify and serve the relevant Court process on the respondents.
- [6] Costs of this application are to be provided for.

**I so order.**

**Dated, signed and delivered this 23rd day of July 2021**



**Duncan Gaswaga**

**JUDGE**