



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

5 **MISCELLANEOUS APPLICATION No. 304 OF 2021**

(All arising out of Civil Suit No. 918 of 2020)

INTERTECH INDUSTRIAL MACHINERY (u) LTD & ANR

..... APPLICANTS

VERSUS

10 **ANTHONY KIZITO:..... RESPONDENT**

BEFORE HON. MR. JUSTICE RICHARD WEJULI WABWIRE

RULING

When this matter came up for hearing, Counsel for Applicant moved Court to have Civil Suit No. 918 of 2020 struck out for failure to comply with Order
15 XIA rules 2 and 6 of the Civil Procedure Amendment Rules 2019.

OrderXIA requires a Plaintiff(the Respondent in the instant Application) to take out summons for directions within 28 days from the date of filing the last

reply, which in this case is the WSD of the Applicant, who is the defendant in CS 918/2020.

20 The Court Record shows that the Defendants (Applicants in the instant Application) filed their WSD on the 4th December 2020. There is nothing on record to show that the Plaintiffs (Respondents in the instant Application) ever took out summons for directions as required by the law.

In consequence, Civil Suit No, 918/2020 abated and is accordingly struck out
25 with costs awarded to the Defendants (Applicants in the instant Application). All pending Applications arising from the said Civil Suit are in consequence overtaken by events and the respective files accordingly closed with each party bearing their own costs in respect of the Applications.

I so order.

30 Delivered at Kampala this 24th day of May 2022.

Richard Wejuli Wabwire

JUDGE