

**THE REPUBLIC OF UGANDA**

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

**MISCELLANEOUS APPEAL NO. 0027 OF 2022  
ARISING OUT OF HCMA NO. 0664 OF 2022  
ARISING OUT OF EMA NO. 122 OF 2022  
ALL ARISING OUT OF HCCS NO. 358 OF 2006**

**DAMAS MULAGWE:..... APPELLANT**

**VERSUS**

**BANK OF UGANDA:..... RESPONDENT**

**Before Hon. Lady Justice Patricia Kahigi Asiimwe**

**Judgement**

Introduction

1. This is an appeal brought by Notice of Motion under Order 50 Rule 8 of the Civil Procedure Rules S.1 71-1. The appeal is against the ruling of the Learned Deputy Registrar, Her Worship Juliet Harty Hatanga delivered on the 22<sup>nd</sup> of July 2022 in Miscellaneous Application No.0664 of 2022. The Appeal is premised on the following grounds:
  - a) The learned registrar erred in law and fact when she issued a garnishee order absolute for UGX 168,482,970 only, based on an illegal conversion of the foreign currency seized from Lanex Forex Bureau Limited.
  - b) The learned registrar erred in law when she failed to evaluate the evidence before her, thereby reaching a wrong decision of awarding the Appellant UGX 168,482,970.

- c) The amount awarded in garnishee order absolute dated 26<sup>th</sup> July 2022 in HCMA No. 0664 of 2022 be enhanced to UGX. 220,539,678 (Uganda Shillings Two Hundred Twenty Million Five Hundred Thirty-Nine Thousand Six Hundred Seventy Eight)
    - d) Costs of this Appeal be awarded to the Appellant.
  2. The Appellant swore an affidavit in support of the Appeal in which he stated as follows:
    - a) The Appellant, as judgement creditor filed Miscellaneous Application No.0664 of 2022 for, among others, orders that the decretal sum of USD 160,000 in HCCS No. 358 of 2006 and the taxed costs of USD 12,800 in CACA No.190 of 2016 making a total sum of USD 172,800 held by the garnishee for the Judgement debtor be attached to satisfy the said decrees respectively.
    - b) Having granted the garnishee order nisi on 13<sup>th</sup> June 2022, the learned Deputy Registrar issued a Ruling on 22<sup>nd</sup> July 2022 granting the garnishee absolute and thereby ordered the Respondent to pay the Appellant UGX 168,482,970.
    - c) That the Respondent's conversion of the foreign currencies had no legal basis. The Respondent by a letter dated 30<sup>th</sup> May 2011 stated that he held approximately UGX 200,000,000 that they had recovered from Lanex Forex Bureau.
  3. The Respondent filed an affidavit in Reply deponed by Margaret K. Kasule of the legal department of the Respondent who stated as follows:
    - a) Under Article 162 of the Constitution functions of the Respondent are to promote and maintain the stability of the value of the currency of Uganda and regulate the

