

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT GULU DISTRICT REGISTRY

HIGH COURT CIVIL SUIT NO. MG 5/94

Kereni Bwomono Plaintiff.

- versus -

- | | | |
|---|---|-------------------|
| 1. Titus Kidega Lak | } | Defendants. |
| 2. H/s Atare, Okwongali & Co.,
(Advocates) | | |
| 3. The Co-operative Bank Ltd. | | |

BEFORE HON. MR. JUSTICE G.M. OKELLO.

R U L I N G .

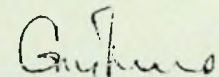
When this case was called for hearing at the adjourned date of 26/4/96, Counsel for the Plaintiff sought adjournment because he was unable to proceed as his witnesses were not present. The reason he advanced for the request was mainly that the Plaintiff who is an employee in the President's Office, was in charge of a Communication Section of that office and was therefore unable to leave the office as he was alone in that section. That his colleague was currently sick. Another subsidiary reason was that the Plaintiff's other witnesses from Kitgum were also not present though they were notified. Counsel for the Plaintiff prayed that the case be adjourned to another date possibly when the Plaintiff's sick colleague recovers from his sickness.

Mr. Atare opposed the application for adjournment arguing that no sufficient cause was shown by the applicant to justify grant of adjournment. According to Mr. Atare, the Plaintiff was asking court to adjourn the case until when it was convenient to him. In Counsel's view court was not to be conducted at the convenience of an individual.

It is worth pointing out that adjournment is a matter of discretion of the court. Under O.15 r 1 of the CPR, such discretion is exercised in favour of the applicant where sufficient

cause is shown. In the instant case, the reason advanced for the request for adjournment were two:- One that the Plaintiff was too busy to leave his office. Being too busy in one's place of work was no sufficient cause to justify grant of adjournment. If that were so, no court work would progress as every body would be too busy at his respective place of work.

The second reason was that the Plaintiff's other witnesses did not appear though they were notified. That is also no sufficient cause to justify grant of adjournment without knowing the cause of the failure. For the reasons given above, it is clear that the Plaintiff applicant has not advanced sufficient cause to justify granting him adjournment. The application is therefore dismissed and the suit is dismissed under O 9 r 19 of the CPR with cost to the 2nd and 3rd Defendants.


G.M. Okello

Judge

26/4/1996.