

IN THE HIGH COURT OF UGANDA

HOLDEN AT KAMPALA

HIGH COURT CIVIL SUIT NO. 00-CV-CS-1380 OF 1986

OSOTRACO LIMITED

PLAINTIFF

VERSUS

ATTORNEY GENERAL

DEFENDANT

BEFORE: THE HONOURABLE MR. JUSTICE FMS EGONDA-NTENDE

JUDGMENT

1. The Plaintiff, M/S Osostraco Limited, seeks in this action, an order for eviction of the defendant from the suit premises, a permanent injunction, special and general damages, mesne profits, interest and costs of this suit. The plaintiff claims to be the registered proprietor of the Plot No. 69 Mbuya Hill, Kampala, hereinafter referred to as the suit property. It claims to have purchased the same from Uganda Times Newspapers Limited sometime in June 1985 and a transfer effected accordingly. It is alleged that the employees of the Ministry of the Information and Broadcasting were in occupation of the property, and refused to vacate when requested to do so, claiming that the suit property belonged to the Ministry of Information and Broadcasting. As a result this suit was commenced.
2. The defendant, in its amended written statement of defence, filed on 12th July 1988, asserts that the sale of the suit property and subsequent transfer were done without the proper authority and necessary consents of the Ministry of Information and Broadcasting and Ministry of Finance, the shareholders of the Uganda Times Ltd. The defendant contended that owing to the illegal nature of the contract of sale, the defendants are the legal proprietors of the suit property, and its employees are in lawful occupation of the same.
3. When this case was called for hearing Counsel for the defendant raised a preliminary objection that the plaint did not disclose a cause of action. I dismissed the preliminary

objection and stated that I will provide reasons for doing so in this judgment. I now set forth my reasons.

4. Ms Patricia Mutesi, learned counsel for the defendants submitted that the plaintiff did not disclose a cause of action for several reasons. Firstly, that paragraph 2 of the plaintiff did not state that the Attorney General was being sued in his representative capacity for the acts of his servants or agent. Secondly, that paragraph 4 of the plaintiff did not allege that the employees in trespassing on the suit property did this in the course of their employment or duty. She further submitted that the plaintiff had failed to comply with Order 4 Rule 1 of the Civil Procedures Rules. She referred to the cases of *Auto Garage v Motokov* [1971] E.A. 51 and *Kangave v Attorney General* [1972] U.L.R. 150 as authority for her submission.
5. Ms Mutesi further claimed that the plaintiff had no locus, as he was not properly registered as the proprietor of the suit property. She claimed that the certificate of title attached to the plaintiff did not have the Registrar's signature. Lastly, she contended that as the plaintiff claimed injunctive relief that was barred by the Government Proceedings Act, the plaintiff did not disclose a cause of action.
6. Mr. Sentemero, learned counsel for the plaintiff opposed the preliminary objection. He submitted that the plaintiff disclosed a cause of action and relied on *Auto Garage v Motokov*. He submitted that the Registrar of Titles had signed the certificate.
7. I have examined the plaintiff in this matter. I am satisfied that it discloses a cause of action. It is not strictly essential that it be pleaded in the plaintiff that servants of the defendant were acting in the course of their employment. It is sufficient to state that it is the acts of servants of the defendant, which are complained against. The defendant is in a better position to know if they were acting in the course of their employment or not. It is up to him to raise it in his pleadings.
8. There is no requirement at law that the plaintiff must allege that the Attorney General is being sued in a representative capacity. The Attorney General is sued by virtue of Section 11 of the Government Proceedings Act in respect of all claims against Government. As regards the claim for injunctive relief, this was not the only relief claimed. It is a matter that can appropriately be dealt with at the relief stage. For those reasons I dismissed the preliminary objection.

9. At the commencement of the trial counsel agreed on five issues. (1)
Whether the Plaintiff is the registered proprietor and entitled to possession of the suit property; (2) Whether the plaintiff is entitled to mesne profits from the defendant; (3) Whether the Plaintiff is entitled to special and general damages, and if so how much? (4) Whether the Plaintiff is entitled to an order for eviction and or vacant possession from the Attorney General; and (5) Which party is entitled to costs of the suit?
10. The plaintiff called one witness to prove its case and the defendant called none. Plaintiff's Witness Number was James Ocaya, a director of the Plaintiff since 1981 to-date. He testified that sometime in 1985 the plaintiff company purchased from the Uganda Times Newspapers Limited the suit property. The plaintiff company paid the purchase price and the suit property was transferred into the names of the Plaintiff Company on 23rd August 1985. He produced as an exhibit a certified copy of the certificate of title to the suit property.
11. Plaintiff's witness No. 1 further testified that after purchase of this property, the plaintiff failed to obtain vacant possession of the said property. The Ministry of Information and Broadcasting intervened claiming ownership of the property, and subsequently obtained a court injunction restraining the plaintiff from dealing with the suit property. Efforts in 1999 to evict the occupants were seriously resisted by the office of the Attorney General. In the meantime the company had mortgaged the suit property to a bank to secure a loan.
12. In further testimony the witness stated that the suit property was made of four blocks of residential flats, each block made up of eight housing units, and in addition there were servants quarters for each of the units. In 1985 each housing unit could fetch rent per month of shs.150,000/=. This was due to the poor security situation in the area at the time. By 1990 security had improved and the company was receiving offers of shs.300,000/= per month per unit. As of now the witness was of the opinion that each would fetch up to Shs.350,000/= per month.
13. In cross-examination the witness denied that the company received any letter from a Government official prohibiting the sale from taking place.

14. In his address to this court, learned Counsel for the Plaintiff, Mr. Madrama, submitted that with regard to issue number one, the plaintiff had proved that it's the registered proprietor of the suit property and its title can not be impeached save for fraud. He submitted, relying on *Kampala Bottlers Ltd vs. Damanico (U) Limited*, Civil Appeal No. 22 of 1992, (unreported), that fraud must be specifically pleaded and proved, and it must be attributable to the transferee. Fraud was never pleaded or proved in the instant case.
15. With regard to the issue for mesne profits, Mr. Madrama submitted that Section 2 of the Civil Procedure Act defines mesne profits. The plaintiff must show that the defendant is in wrongful possession. He submitted that this had been proved as defendant denied the plaintiffs title, claiming to be the rightful owner of the suit property. The original owner was Uganda Times Newspapers Limited, and not the defendant. Mr. Madrama further submitted that the plaintiff was entitled to general damages as the Attorney General opposed both the mortgage of the property in question and plaintiff's possession of the same. He submitted that the principle of *Restitutio Intergrum* applies and requires that the plaintiff be put in a position he would have been if the defendant had not interfered with his rights. He abandoned the claim for special damages as no evidence had been led to support the same.
16. With regard to quantum of mesne profits, Mr. Madrama claimed Shs. 62,400,000/= for the period between 1986 and 1990, based upon shs.150,000/= per month per unit, with interest at 25% per annum. Between January 1991 to December 2000, he claimed mesne profits of Shs.288,000,000/= at the rate of Shs.300,000/= per month per unit, with interest at 12% per annum. And from January 2001 to January 2002 he claimed mesne profits of Shs.33,550,000/= at the rate of Shs.350,000/= per month per unit, with interest at 6% per annum. He further prayed for the sum of Shs.100,000,000/= for general damages for none use of the property including as a security for loans. He prayed for costs, an order for eviction and vacation of the temporary injunction. In the alternative he prayed for a declaratory order that the plaintiff is entitled to possession of the suit property.
17. I now turn to the first issue. And that is whether the Plaintiff is the registered proprietor of the suit property and entitled to possession of the same. This issue can only be answered in the affirmative on both the pleadings and the evidence before court this court. Plaintiffs witness number one produced a certified copy of the certificate of title to the suit

property. It was admitted in evidence as exhibit P2. On the 23rd August 1985, the suit property was transferred to the Plaintiff under Instrument No. 223644 and the previous owner, Uganda Times Newspapers Limited, was cancelled. The suit property is comprised in Leasehold Register, Volume 1103 Folio 1.

18. The history of the suit property evident from the certificate of title is that it was leased by one Saraswati Gangaram, the owner of the Freehold title, to Uganda Consolidated Properties Limited with effect from 1st May 1954. A transfer was effected on the register from Uganda Consolidated Properties Ltd to Uganda Times Newspapers Limited on 7th June 1985. The lease of the property was due to expire or actually expired on 30th April 2001. On the 27th November 1986 the Ministry of Information and Broadcasting entered a caveat on the register.
19. The defendant challenges the Plaintiffs ownership of the suit property in paragraphs 3 and 4 of the written statement of defence in these terms. “3.The defendant avers that the sale and subsequent transfer, of the property in issue was done without the proper and necessary consents of the Ministry of Information and Broadcasting and of the Ministry of Finance and that of the shareholders in the company being obtained. The defendant further avers that the then Minister of Information and Broadcasting expressly prohibited any sale transaction in respect of the said property but despite the said prohibition the plaintiff in connivance with the then Managing Director took advantage of the subsequent chaos of the 1985, July, 27th coup and fraudulently caused the transfer of the property from Uganda Times Ltd to M/S Osotraco Ltd. Accordingly the claim contained in paragraph 3 is not admitted”
20. “4. The defendant avers that owing to the illegal nature of the transaction under which M/S Osotraco obtained the referred to certificate of title in the plaint, he is still, unless otherwise determined by this Honourable Court, the legal proprietor of Plot 69 Mbuya Hill and accordingly his employees do legally occupy the said premises. Therefore the claims and allegations contained in paragraphs 4,5,6,7, and 8 of the plaint are not admitted.”
21. The defendant does not show on its pleadings under what law that consents of the Ministry of Information and Broadcasting and the Ministry of Finance and of the shareholders are necessary before the suit property can be disposed of or transferred by

Uganda Times Newspapers Limited to Osotraco Limited or any other natural or juridical person for that matter. No law is pointed to by the defendant that makes the transfer of the suit property as it occurred to be illegal. I am unable to lay my hands on any such law too.

22. While in paragraph 3 of the amended written statement of defence, the defendant seems to acknowledge that Uganda Times Newspapers Limited was the registered proprietor of the suit property, in paragraph 4 of the same document, the defendant asserts that it is legal proprietor of the suit property unless this court holds otherwise. The defendant does not lay any basis at law or by agreement from whence it derives its claim of title to the suit property.
23. The plaintiff has produced a certified copy of the certificate of title to the property. The plaintiff is the registered proprietor with effect from the 23rd August 1985. This title has not been impeached by fraud. No particulars of fraud have been alleged in the written statement of defence. According to section 56 of the Registration of Titles Act production of a certificate of title is conclusive evidence of ownership of the property in question. I find that the plaintiff is the registered owner of the suit property, and as between the plaintiff and defendant, the plaintiff is entitled to possession of the suit property.
24. Issue number two is whether the plaintiff is entitled to mesne profits from the defendant. Section 2 of the Civil Procedure Act defines 'mesne profits' as "those profits which the person in wrongful possession of such property actually received or might with ordinary diligence have received there from, together with interest on such profits, but shall not include profits due to improvements made by the person in wrongful possession."
25. The defendant has been shown on the evidence before me to be in wrongful possession of the suit property. He has wrongfully denied the plaintiff, the registered proprietor and the person entitled to possession, use and occupation of the suit property since August 1985 to-date. Mesne profits are due from the defendant to the plaintiff.
26. Plaintiff's witness number one testified that the company had received offers for rent of the premises. Prior to 1990 each unit was offered shs.150,000/= per month due to insecurity in the area. With the improvement of security in the area, each unit was able to fetch shs.300,000/= per month from 1990 to 2000. And from 2001, he stated that each unit would command rent of shs.350,000/=. The probable rental value of the premises is

the basis for calculating mesne profits. The defendants in cross-examination have not challenged the figures provided by the witness. And they do not appear unreasonable. They shall form the basis for computation of the mesne profits due to the plaintiff from the defendant.

27. A tabular rendition of the mesne profits would be a helpful expression of the sums due on this account. I set out the table below.

Item	Dates	Rate per month per unit in Shs	Number of Housing units (4 blocks * 8 units each block)	Period	Sums due in Shs.
1	Sept, 85 to Dec, 85	150,000/=	32	4 months	19,200,000.00
2	1986 to 1989	150,000/=	32	4 years	230,400,000/=
3	1990 to 2000	Shs.300,000/=	32	11 years	1,267,200,000.00
4	2001 to Feb, 2002	Shs.350,000/=	32	14 months	156,800,000.00
Total Mesne Profits					1,793,600,000.00

28. As I have worked out the sums due on account of mesne profits in the table above, I would have found that as of February 28th 2002, the defendant must pay to the plaintiff Shs.1,793,600,000.00 as mesne profits for the period of September 1986 to February 2002. Unfortunately my computation is at variance with the figures submitted by Mr. Madrama during submissions that are considerably much lower than mine. I shall set the said figures out too in a tabular form below.

Period	Rate	Amount	Interest
1986 to 1990	Shs.150,000/=	Shs. 62,400,000/=	25% per annum
1991 to 2000	Shs. 300,000/=	Shs. 288,000,000/=	12% per annum
Jan, 2001 to Jan, 2002	Shs. 350,000/=	Shs. 33,550,000/=	6% per annum
Total		Shs. 383,950,000/=	

29. The multiplier employed in terms of the number of housing units may occasion the variance in our figures. The figures provided by counsel for the plaintiff suggest that he may have used a multiplier of 8 units and I have been using a multiplier of 32 units based on the testimony of the plaintiff's witness that the suit property was composed of 4

blocks made up of 8 housing units each. But perhaps there may be some error I have committed in the calculations. I will therefore take the figures provided by counsel for the plaintiff and award the plaintiff mesne profits of Shs.383,950,000/=. In addition mesne profits shall continue to accrue to the plaintiff for as long as the defendant continues in occupation of the suit property *pro rata*.

30. I have allowed mesne profits up to the time of judgment, and beyond, and not up to 28th April, 2001 when the lease expired because in my view, as between the plaintiff and defendant, it is the plaintiff entitled to possession. And until possession is handed over to the plaintiff, the defendant shall be obliged to pay mesne profits, as he wrongfully would continue to retain occupation of the suit property. The relationship between the plaintiff and the freeholder is not an issue in this suit.
31. Interest of 25% per annum will be paid on the sum for the period 1986 to 1990. Interest at 12% per annum will be paid on the sums of money due for the period 1991 to 2000. Interest at 6% per annum will be paid on the amounts due for the period January 2001 to January 2002.
32. As regards the claim for special and general damages, the plaintiff has abandoned the claim for special damages. Apart from mesne profits, is the plaintiff entitled to general damages? If the plaintiff is able to show that he has suffered some other loss that is not adequately compensated by mesne profits, he would no doubt be entitled to general damages. In this case the defendant obtained a temporary injunction against the plaintiff, prohibiting the plaintiff from dealing with this land whatsoever. As it turns out this injunction was unjustified and its maintenance was an injustice to the plaintiff. He could not deal with the property as he wished and was entitled to do. Its lease has now expired and the temporary injunction may adversely impact steps that would have been taken for the renewal of the same. Under this head I award general damages of Shs.50,000,000/=.
33. I now turn to the issue of whether the plaintiff is entitled to an order for vacant possession and or eviction of the defendant from the suit premises. I am aware, and indeed mindful of the provisions of Section 15 of the Government Proceedings Act. I will set out the relevant portion below.
34. "15. (1) In any civil proceeding by or against Government the court shall, subject to the provisions of this Act, have power to make all such orders as it has power make in

proceedings between private persons, and otherwise to give such appropriate relief as the case may require: Provided that----- (a)

(b) in any proceedings against the Government for the recovery of land or other property the court shall not make an order for the recovery of the land or the delivery of the property, but may in lieu thereof make an order declaring that the plaintiff is entitled as against the Government to the land or property or to the possession thereof.”

35. The above provision would appear to dispose of the matter on its face. Nevertheless I am somewhat doubtful if it is in conformity with the Constitution of Uganda. It denies a successful a party a remedy that is appropriate on recovery of land. The Act itself became law in Uganda in 1957 when Uganda was a British Protectorate, and it imported the position in United Kingdom, arising from the concept that the crown was the fountain of justice, and thus it could not issue an order against itself. United Kingdom did not at the time and now have a written constitution that was the supreme law of the country. On the contrary it is Parliament that was supreme and that is the position today.

36. The Constitution of Uganda is the supreme law, and any law that is inconsistent with it, is void to the extent of the inconsistency vide article 2 of the Constitution. At the same time Article 273 of the Constitution requires existing law to be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with the Constitution. I shall set it out in full.

37. “273. (1) Subject to the provisions of this article, the operation of the existing law after the coming into force of this Constitution shall not be affected by the coming into force of this Constitution but the existing law shall be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring it into conformity with this Constitution.

(2) For the purposes of this article, the expression “existing law” means the written and unwritten law of Uganda or any part of it as existed immediately before the coming into force of this Constitution, including any Act of Parliament or Statute or statutory instrument enacted or made before that date which is to come into force on or after that date.”

38. I am aware that under Article 137 (5) of the Constitution if any question arises as to the interpretation of the Constitution in a court of law, (which includes this court), the Court may, if it is of the opinion that the question involves a substantial question of law refer

the question to the Constitutional Court for decision in accordance with clause (1) of Article 137. It is the Constitutional Court to determine any question with regard to interpretation of the Constitution. But where the question is simply the construing of existing law with such modifications, adaptations, qualifications and exceptions as to bring such law into conformity with the Constitution, in my view, this may be determined by the court before which such a question arises.

39. The question before me implicit in the issue whether the plaintiff is entitled to an eviction order or not against the Attorney General is whether the existing law, in terms of the proviso to Section 15 of the Government Proceedings Act, is in conformity with the Constitution of Uganda, and if not, whether it may be construed in such a manner as to bring it in conformity with the Constitution of Uganda. The task before me is not to interpret the Constitution but to subject existing law to the Constitution, and if necessary comply with Article 273 of the Constitution, and construe the existing law with such modifications, adaptations, qualifications and exceptions, so as to bring it into conformity with the Constitution.
40. The rationale for the proviso (b) to Section 15 of the Government Proceedings Act lies in the historical relationship between the Crown and the courts in England in terms of constitutional theory. This constitutional theory was explained by Lord Diplock in the following words in *Jaundoo v Attorney General of Grenada* 1971 AC 972, “At the time of hearing the motion in the High Court an injunction against the Government of Guyana would thus have been an injunction against the crown. This a court in Her Majesty’s Dominions had no jurisdiction to grant. ***The reason for this in constitutional theory is that the court exercises its judicial authority on behalf of the Crown. Accordingly any orders of the court are themselves made on behalf of the Crown and it is incongruous that the Crown should give orders to itself.***”
41. Further on in the judgment Lord Diplock continues, “These objections to the nature and form of the order sought, viz. an injunction against ‘the Government of Guyana’ as such are not in their Lordships’ view removed by the subsequent amendment of the Constitution under which executive authority of the Crown and the executive functions of the Governor-General are merged and transferred to the President and public officers of

Guyana are no longer referred to as being in the service of the Crown but as being in the service of the 'Government of Guyana' itself."

42. Though the issue in the Jaundoo Case was whether an injunction could issue against the Government the explanation for the impossibility of issuing an injunction against Government is the same as with issuance of an eviction order in respect of land against Government. Under Section 15 of the Government Proceedings Act, proviso (a) prohibits the issuance of an injunction against Government and proviso (b) prohibits the issuance of an eviction order against Government. The rationale for either provision is what is explained above in the Jaundoo case.
43. If the constitutional theory that courts in this country exercise judicial authority on behalf of the Crown, and subsequently the Successor to the Crown, whether this was President or even the state of Uganda, held sway in this country, this constitutional theory was shattered by the 1995 Constitution of Uganda that made a fundamental break with the previous Constitutions that had existed in this country.
44. In article 1 of the Constitution states, "(1) All power belongs to the people who shall exercise their sovereignty in accordance with the Constitution." "(2) Without limiting the effect of clause (1) of this article, all authority in the State emanates from the people of Uganda, and the people shall be governed through their will and consent." "(3) All power and authority of Government and its organs derive from this constitution, which in turn derives its authority from the people who consent to be governed in accordance with the Constitution."
45. Article 126 of the Constitution is even clearer on the authority of judicial power and how it is to be exercised. It is definitely not on behalf of the Crown or successors to it. It is stated to be derived from the people and shall be exercised in the names of the people and "in conformity with law and with the values, norms and aspirations of the people." This is in marked contrast with the constitutional theory that espouses the view that courts exercise authority on behalf of the crown and its successors in title.
46. The principles which courts are enjoined to apply are set in article 126 (2). These include, (a) Justice shall be done to all irrespective of their social or economic status; (b) justice shall not be delayed; (c) adequate compensation shall be awarded to victims of

wrongs; (d) reconciliation between parties shall be promoted; and (e) substantive justice shall be administered without undue regard to technicalities.”

47. Proviso (b) to Section 15 of the Government Proceedings Act runs counter to the letter and spirit of the Constitution in several respects, which in my view, compels me to construe it with such modifications, adaptations, qualifications and exceptions as is necessary to bring it in line with the Constitution. Firstly its constitutional ‘foundation’ or rationale disappeared with the new Constitution. Courts do not exercise authority on behalf of the Successors to the Crown or even the State or Government of Uganda. Judicial authority is exercised in the name of the people and it is derived from the people.
48. Secondly, in so far as under that provision less than appropriate relief is ordered to be substituted for appropriate relief this runs contrary to the principle that justice shall be done to all irrespective of their social or economic status. Those who file actions against government are denied the appropriate relief, and are thus denied true justice.
49. Thirdly, the proviso (b) to Section 15 of the Government Proceedings Act seems to be based upon a technicality in the sense that the justification for it was that since courts exercise authority on behalf of the crown, granting a coercive order against the crown does not make sense, as it would be an order against itself. In my view this is a mere technicality that stands in the way of substantive justice. If Government is in wrongful occupation of property substantive justice demands that it be ordered to vacate. A declaratory order leaves the successful party at the mercy of Government functionaries as to when he is to enjoy the fruits of a successful action against government for the declaratory order cannot be enforced.
50. In the present action the plaintiff is seeking to enforce his right to the suit property against wrongful infringement by Government. Right to property is a right protected by the Constitution in Article 26 thereof. Article 50 (1) of the Constitution assures such a person redress before the courts. Redress, in my view, refers to effective redress, and nothing short of this. A less than appropriate remedy is not effective redress.
51. The view of the law that I come to is not novel. In *Gairy v Attorney General of Grenada* [2000] W.L.R. 779 the Privy Council had occasion to consider whether, among other things, an obligation on Government could be enforced by a coercive order against the

Minister of Finance. It was argued for the Attorney General that no coercive order could issue against government or its Minister.

52. The Board had this to say, "...Having proved a breach of a right protected by the constitution, having obtained a money judgment and having failed to obtain full payment, the appellant, now seeks an effective remedy, not merely a nominal remedy. The court has power to grant such a remedy. And if it is necessary to fashion a new remedy to give effective relief, the court may do so within the broad limits of section 16.
- The Court has, and must be ready to exercise, power to grant effective relief for a contravention of a protected constitutional right." Section 16 of the Constitution of Grenada deals with enforcement of protected constitutional rights. It is somewhat similar to our Article 50 of our Constitution though there are some variations.
53. The Privy Council in the Gairy case refers to some cases from other jurisdictions and I will refer to two of these, which I quote with approval. The first one is N Nagendra Rao and co v State of A. P. AIR 1994 SC 2663. R M Sahai J in para 24 of his judgment stated, "No legal or political system today can place the State above law as it is unjust and unfair for a citizen to be deprived of his property illegally by the negligent acts of officers of the State without any remedy. The modern social thinking of progressive societies and the judicial approach is to do away with archaic State protection and place the State or the Government at par with any other juristic legal entity."
54. Reference was also made with approval to Byrne v Ireland and the Attorney General [1972] IR 241, a decision of the Supreme Court of Ireland. Walsh J stated at page 281, "Where the people by the Constitution create rights against the State or impose duties upon the State, a remedy to enforce these must be deemed to e also available. It is as much the duty of the State to render justice against itself in favour of citizens, as it is to administer the same between private individuals. There is nothing in the Constitution envisaging the writing into it of a theory of immunity from suit of the State (a state set up by the People to be governed in accordance with the provisions of Constitution) stemming from or based upon the immunity of a personal sovereign who was the keystone of a feudal edifice. English common-law practices, doctrines, or immunities cannot qualify or dilute the provisions of the Constitution."

55. In the circumstance of this case a declaratory order is less than appropriate relief. It is not effective redress. And the provision of existing law, that is the proviso (b) to Section 15 of the Government Proceedings Act, that would compel this court to avail only such relief, is not in conformity with the Constitution. I would therefore construe it in such a manner, by qualifying the proviso (b) to Section 15 of the Government Proceedings Act, not to be applicable to the case at hand. I therefore order the defendant and its servants to give vacant possession of the suit property to the plaintiff, not later than thirty days from the date of pronouncement of this judgment, failing which eviction shall issue.

56. Judgment is entered for the plaintiff in the terms set out above with costs of this suit.

Interest at court rate shall accrue on the decretal amount from the date of judgment till payment in full.

Dated at Kampala this 20th day of March 2002.

Fredrick Egonda-Ntende
Judge

Registrar, High Court of Uganda

Would you please read this judgment to the parties.

Fredrick Egonda-Ntende

Judge

20th March 2002