

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA
MISC. APPLICATION NO. 347 OF 2002
(Arising from H.C.C.S. No. 825 of 1996)

JOLLY MUTENGUPLAINTIFF

Versus

1. JOHNSON MUTENGU

2. ALBERT SEBUDDEDEFENDANTS

BEFORE: HON. MR. JUSTICE V. A. R. RWAM1SAZ1-KAGABA

JUDGMENT

The plaintiff sued the defendant for a declaration that the plaintiff has an equitable interest in the suit property comprised in MRK 994 Folio 10 Plot No. 1000 Bukoto, and for an order restraining the defendants from selling her matrimonial home without providing adequate shelter to her and her children, and in the alternative, an order directing the first defendant to pay 50% of the purchase price as the plaintiff's contribution to developing the said lands and building standing thereon.

When the suit came for hearing on the 22/5/2003, Tom Mbalinda the plaintiff's counsel and Kavuma Kabenge, the second defendant's counsel agreed to settle the case on the terms set out in their consent order dated 20/5/2003 and duly signed by both counsel.

As a consequence of the consent order filed by both counsel, judgment is entered with the following orders.

The plaintiff shall pay the sum of U Shs. 7,000,000 (Seven Million Shillings) only to the 2nd defendant as follows:

- (i) 2,500,000 (Two million five hundred thousand Shillings) only before the 26th of May 2003.
- (ii) 1,000,000 (one million shillings) on or before the 26th day of June 2003.

(iii) 1,000,000 (one million shillings) on or before the 26th day of July 2003.

(iv) 1,000,000 (one million shillings) on or before the 26th day of August 2003.

(v) 500,000 (five hundred thousand shillings) on or before the 26th day of September, 2003.

(vi) 500,000 (five hundred thousand shillings) on or before the 26th day of October, 2003.

(vii) 500,000 (five hundred thousand shillings) on or before the 26th day of November, 2003.

2. Upon full payment of the U Shs. 7,000,000 (seven million shillings) the property comprised in LRV 1994 Folio 10, Plot 100 Bukoto (the suit property) shall be transferred by the 2nd defendant to the plaintiff or any encumbrances.

3. The 2nd defendant shall before the payment of the last installment in 1(iv) above have the suit property released from any encumbrances thereon.

4. The registrar of titles is hereby authorised, upon proof of the plaintiffs compliance with the terms hereof, to transfer the suit property to the plaintiff.

5. Each party hereto shall bear his/her own costs.

Given under my hand this 22 day of May 2003

V. A. R. RWAMISAZI-KAGABA

JUDGE