

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MBARARA

HCT-05-CV-MA No. 0125-2000

(Arising From Civil Misc. Appl. No. 48 of 1998

(Arising From Civil Suit No. 11 of 1997)

SEBASTIAN TUMWEBAZE..... APPLICANT

- VS -

SCHOLA GANYWARESPONDENT

BEFORE: THE HON. JUSTICE P. K. MUGAMBA

RULING

This ruling results from a preliminary objection raised by counsel for the respondent to an application by notice of motion seeking for an order of this court to allow the applicant extension of time in which to lodge his appeal.

The chronology to the events leading to the application is contained in the grounds to the application as well as in the affidavit in support. In sum the applicant could not get leave of the Chief magistrate's court to appeal to the High Court under Order 40 of the Civil Procedure Rules.

I have looked at the proceedings in the Chief Magistrate's Court and find no reason why the applicant failed to appeal to the High Court under S. 232 of the Magistrates Courts Act (currently S. 220 of the Act) whose provisions are clear and would suit the applicant's situation then. The procedure adapted was faulty and in the premises I do not see how this court can help extend a period for a faulty procedure.

I dismiss the application with costs.

P. K. Mugamba
Judge

10th March 2004

Mr. Katembeko for respondent

Mr. Rutazaana court clerk

Court:

Ruling read in court

P. K. Mugamba
Judge