

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

HCT-05-CV-MA-0069-2003

BEN KABAGAMBEAPPLICANT

-VS-

HERBERT KABAGAMBE..... RESPONDENT

BEFORE: THE HON. JUSTICE P. K. MUGAMBA

RULING

This application by notice of motion was brought under Sections 149 (1) and 197 of the Registration of Titles Act. Cap. 205 of the Laws of Uganda of 1964. At the moment the relevant law is under Chapter 230 of the Laws of Uganda of the year 2000 and the relevant sections are 140 and 188, respectively. The contents have not changed. The application seeks for an order removing the caveat lodged by the respondent on the certificate of title for land composed in LVR 970, Folio 3. Plot No. 11A. Kisoro.

The affidavit in support of the notice of motion was deponed by the applicant himself. It shows that he has at all material times been the registered proprietor of the land comprised in LRV 970, Folio 3, Plot No. 11A, Kisoro. It shows further that the respondent lodged a caveat against the certificate of title in July 1997 and that the ea eat remains on the title as an encumbrance to the applicant's title. It is also deponed that the respondent has no interest in the property in issue and the encumbrance was resulted in unjustified inconvenience to the applicant. He stated that it is for that reason that he seeks for the order sought of this court.

I have looked at the application as a whole and listened to the submissions of counsel for the applicant on the issue. For reasons not clear to court the respondent did not find it necessary to swear an affidavit in opposition to the application and did not appear in court in answer to the summons.

In consequent I find this is such an application where the order sought for should not be withheld for no reason. It is therefore ordered that the caveat lodged on the suit land by the respondent be removed forthwith.

Applicant is entitled to the costs of the application.

P. K. Mugamba
Judge

11th March 2004

Mr. Kwizera for applicant

Mr. Rutazaana court clerk

Court:

Ruling read in court.

P. K. Mugamba
Judge