

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
CIVIL SUIT NO. 501 OF 05

1. HUSSEN MOHAMMED
2. ABID ALAM
3. A.I. AHMED
4. MUSTAQ BHEGHANI
5. IBRAHIM BENIS :::::::::::::::::::::: PLAINTIFFS
6. YUSUF SHABDIN
7. HUSEEIN SHABDIN
8. TALAT BACHU

VERSUS

1. WAHEED KARIM
2. MRS. SULTI WAHEED KARIM :::::::::::::::::::::: DEFENDANTS
3. ABBAS NAMAWA

BEFORE: HON. JUSTICE J.P.M TABARO

RULING

The Court having perused the Judgment in High Court Civil Appeal No.41 of 2003 comes to the conclusion that the issues decided upon in the Judgment are not necessarily the issues raised in this suit i.e. H.C.C.S No.501 of 2005. The suit is therefore not Res Judicata.

The Court notes however, that summons to file a defence in the suit were issued by Court on the 12th May 2005 and there is no evidence that the same have been served upon the Defendants within the prescribed period of twenty one days in accordance with Order 5 Rule 1 Sub-Rules as amended by The Civil Procedure (Amendment) Rules 1998. There is no application for extension of time within which to serve the summons to file a defence on the court record.

Accordingly the suit is dismissed for non service of summons to file a defence within the prescribed time.

No Orders is made as to costs.

Remmy K. Kasule

Ag. Judge

17th August 2005