

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

HCT-05-CV-NA-131-2004

(Arising from KAB-00-C V-CS-55-2002)

I .SEPIRIANO KABEBA]

2. PETERO MUSHAYA]APPLICANTS

VS

COMMISSIONER LAND REGISTRATION..... RESPONDENT

BEFORE: THE HON. MR. JUSTICE P. K. MUGAMBA

RULING

This application under S. 177.of the Registration of Titles Act, Cap 230 of the Laws of Uganda is instituted by notice of motion. The application seeks of this court an order directing the Commissioner Land Registration to cancel or delete the names of Maria Misambi from the Certificate of Title for freehold land situate at Mwanjari, Kabale and known as Block 3 Plot 72. It is further sought that the names Sepiriano Kabeba and Petero Mushaya be substituted therefore pursuant to the judgment of the Chief Magistrate’s Court Kabale in KAB-00-CV-CS-55 of 2002.

I have listened to the submissions of counsel for the applicants and perused the relevant pleadings and records of the Chief Magistrate’s Court, particularly the judgment of 14th November 2003. From the foregoing I find this is a matter properly introduced and where the application should not be withheld.

The Commissioner Land Registration is accordingly directed to cancel the names **MARIA MISAMBI** from the Certificate of Title in issue and to substitute therefore the names and particulars of **SEPIRIANO KABEBA** and **PETERO MUSHAYA**.

Before I take leave of this matter I should address the concerns expressed by Mr. Nyombi who represented the Commissioner Land Registration. The Commissioner Land Registration was

cited as Respondent in this application and was accordingly summoned. According to Mr. Nyombi this was not necessary. I agree with him. This and similar applications can be brought before court without involving the office of Land Registration, whose relevance at this stage is non-existent.

For now I make no order to costs.

P. K. Mugamba

Judge

7th June 2005

7th June 2005

Mr. Kwizera for applicants

Applicants in court

Ms Tushemereirwe court clerk

Court:

Ruling read in court.

P. K. Mugamba

Judge