

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

MISC. APPLICATION NO 25 OF 2004

(Arising from the Judgment of Wakiso District Land Tribunal Claim No. 68/2003)

NELSON EDMOND NKALUBO SEBUGWAWO..... APPLICANT

VERSUS

JOSEPH SSEBAGGALARESPONDENT

22nd May 2006.

BEFORE HON. JUSTICE GIDEON TINYINONDI:

RULING:

On 13/09/2003 the Plaintiff filed Civil Suit No. 68/2003 before the District Land Tribunal of Wakiso. The Defendant was duly served with summons to enter appearance and copy of plaint but failed to file a written statement of defence. On 04/09/2003 the Chairman of the Tribunal signed an order for substituted service. This service issued in the “New Vision” of 10/09/2003. Still the Defendant did not take any steps.

On 15/06/2004 the Tribunal entered judgment for the Plaintiff.

The Tribunal did not act in accordance with Section 31 (3) of the Land (Amendment) Act, No. 1/04 which provides:

“(3) Notwithstanding subsection (1) of this section, a District Land Tribunal shall not make an order for cancellation of entries in a certificate of title and vesting title, but shall refer such cases to the High Court for the necessary consequential orders.”

Despite the Tribunal’s failure/default in referring the case to this court, the Applicant proceeded by notice of motion application under the said section and 048, rr. 1 and 3 of CPRs.

I am thus seized of the matter however brought.

After perusing the record and listening to Counsel for the Applicant I find and hold that this is a proper application where the orders sought ought to be granted.

Accordingly I order that:

- “1. The registration of land comprised in Busiro Block 444 Plot 80 in the names of Joseph Ssebaggala be cancelled.
and
2. The name of Nelson Edmond Nkalubo Ssebugwawo be registered as the proprietor of the said land,
and
3. The Registrar be rectified (according to the said judgment of the Wakiso District Land Tribunal).
4. I make no order as to the costs of this application.”

Signed: Gideon Tinyinondi
JUDGE
22/05/2006.

22/05/2006:

Mr. Balikuddembe for the Applicant
No appearance for Respondent
Ms. Kauma Court Clerk.

COURT:

Ruling read in open court.

Signed: Gideon Tinyinondi
JUDGE.
22/05/2006.