

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA, AT KAMPALA
(LAND DIVISION)**

MISCELLANENOUS CAUSE NO. 25 OF 2009

ANTHONY JOSEPH SEGAWA SABAKAAKI APPLICANT

VS

**THE CHIEF REGISTRAR OF TITLES
KAMPALA MAIL OFFICES RESPONDENT**

RULING BY HON. MR. JUSTICE JOSEPH MURANGIRA

The Applicant, Anthony Joseph Segawa Sabakaki, through his lawyers, M/s Musoke Suleman & Co. Advocates, filed this application under sections 182 and 188 of the Registration of Titles Act, cap 230, Section 98 of the Civil Procedure Act, cap 71, section 33 of the Judicature Act, cap 13 and order 52 rules 1 and 2 of the Civil Procedure Rules Statutory Instrument 71-1. The application is against the respondent, the Chief Registrar of Titles for the following orders:-

- (a) that the Chief Registrar of Titles, Kampala Mailo office, doth appear before the High Court to substantiate and uphold grounds of the his/her refusal to effect and or register the transfers of land comprised in Block 167 Kyadondo, Plots 808, 809, 810, 811, 812, 813, 814, 815, 816, 817 and 818 of Kiwale from the applicant's names to the names of the purchasers.
- (b) the costs of this application be provided for.

The application is based on the following grounds:-

- (1) That the applicant is the registered proprietor of the suit land comprised in Block 167 Kyadondo, Plots 808, 809, 810, 811, 812, 813, 814, 815, 816, 817 and 818 of Kiwale.
- (2) That sometime in July, 2008 the applicant sold parts of the suit land to various people who are now demanding for their transfers. The purchasers have already intimated their intention to sue the applicant.
- (3) That the purchasers presented the transfers to the respondent who refused to process them without giving any lawful reason. The respondent instead of

performing his statutory obligations, he/she removed the titles from the strong room and kept them separate thereby inconveniencing the applicant and the purchasers.

(4) That the respondent was notified on various occasions to perform his obligations but he refused to comply.

(5) That for the foregoing reasons, it is just, fair and equitable that this Honourable Court be pleaded to issue the necessary orders to oblige the respondent to perform her/ his statutory duties.

The respondent was duly served with the application together with its supportive affidavit. He or she never filed in court an affidavit in reply in rebuttal to the affidavit of the applicant and in opposition to the application.

On 22nd October 2009 when the application came up for hearing, the respondent despite being served with the hearing notice was not represented. The applicant on application was allowed to proceed with the hearing of the application *ex parte*. Counsel for the applicant filed in court Written Submissions. He entirely relied on the provisions of the law that have been cited hereinabove.

It is clear on record that the respondent never filed an affidavit in reply to the application and the affidavit evidence in support of the application. Therefore, the application stood unchallenged. It has to succeed as against the respondent. The respondent was summoned through this application and she/he refused to appear before this court to give an explanation why she/he did not execute her or his statutory duties as requested for by the applicant. The respondent's refusal to appear in court when summoned is contemptuous and should not be tolerated at all by courts of law. As far as land matters are concerned, the office of the Chief Registrar of Titles is very important as it has vital information regarding titled lands, which information when supplied could assist courts to reach just decisions.

In the result, I agree with the submissions by counsel for the applicant. The application is allowed with all the orders sought therein. The respondent is therefore ordered to effect transfers as requested for by the applicant. Each party shall bear its own cost.

Dated at Kampala this 24th day of November, 2009.

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JOSEPH MURANGIRA
JUDGE