

**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA  
HOLDEN AT MBALE**

**HCT-04-CV-MA-112-2009**

**(Arising from HCCA No. 0015 of 2009)**

**(From Pallisa Civil Suit No. 0001 of 2008)**

**OTIM JOHNSON.....APPLICANT**

**VERSUS**

**ODOMEL GEORGE WILLIAM.....RESPONDENT**

**BEFORE: THE HON. MR. JUSTICE MUSOTA STEPHEN**

**RULING**

The applicant Otim Johnson represented by M/s Gyabi & Co. Advocates is a decree holder in Pallisa Land Suit 001 Of 2008. The respondent preferred an appeal in this court vide Civil Appeal No.15 of 2009. Interestingly the successful party in the lower Court who is the respondent in the appeal filled this application for a temporary injunction under O.41 r.1 (a) CPR and rr.2, 3 and 9 CPR. This procedure is unknown in law. Temporary injunctions are filed in pending Civil Suits not Civil Appeals. In civil appeal, the remedy applicable is stay of Execution. Counsel for the respondent did not address this anomaly in their submissions.

Unless there is a stay of execution, a successful litigant's remedy lies in execution of the decree he/she holds. The applicant herein has been misadvised. This application is unsustainable and is bad in law and an abuse of court process.

It is dismissed with costs.

**Musota Stephen**

**JUDGE**

**10.03.2011**

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Parties absent.

Obedo on brief for Mutembuli.

Musoba for the applicant.

Kimono Interpreter.

**Musolwa:** The matter is for ruling. We are ready to receive the same.

**Court:** Is the application out of an appeal.

Ruling delivered.

**Musota Stephen**

**JUDGE**

**10.03.2011**