

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

HCT-09-CV- CR. NO. 0013/2011

EMENYAT JOSEPH.....APPLICANT

VERSUS

**MALERA SUB COUNTY LOCAL
GOVERNMENT.....RESPONDENT**

RULING

BEFORE: HON JUSTICE MUSOTA STEPHEN.

This application is by way of chamber summons brought under 0 4 rr 1, 2, 3 and 9 Civil Procedure Rules and S.98 of the Civil Procedure Act for orders that a temporary injunction does issue restraining Malera Sub County Local Government its agent/servant from interfering with the quiet possession until further orders are made by court.

The chamber summons is supported by the affidavit of an unknown person who described himself as a male Ugandan of sound mind and the applicant.

In Paragraph 4 of the affidavit, it is deponed that:-

I have been informed by lawyers which information I verily
Believed to be true that I was to be compensated for my
Land which the respondent forcefully annexed into their
land Title.

That the applicant is likely to suffer irreparable damage which cannot be compensated by damages if this application is not granted.

When I perused the plaint in the main civil suit one of the prayers is for an order that the defendants (respondent) certificate of Title for the adjoining piece of land comprised in FRV 814 Folio 5 known as Plot 154,155, Block 5 at Kabarwa belonging to the defendant (respondent) be re surveyed and/or re demarcated so as to exclude the portion of the plaintiff's land.

The main objective of granting a temporary injunction is to maintain the status quo until settlement of the whole dispute so as to protect the applicant from suffering irreparable injury. Irreparable injury means injury which is substantial and could not be adequately remedied or atoned for by damages. From what I have found out from the record; the land in dispute is already surveyed and is in the names of respondent. It is delineated as FRV & 14 Folio 5 Plots 154, 155 block 5 at Kabarwa. It appears the process of registration has been completed and what the applicant is seeking in the main suit is inter alia compensation for the land allegedly included in the same title but belongs to him.

In the circumstance therefore, a temporary injunction is not available to the applicant as the status quo had already been disturbed through the respondent getting a land title for the disputed land. The applicant injury is likely to be adequately compensated for in monetary terms.

Consequently, this application will be dismissed with no order as to costs.

Musota Stephen,

JUDGE

9.7.2012

