

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

**HCT-04-CV-CR-0012-2012
(Arising from Bubulo Civil Suit No. 148/2010)**

NABUWALALA ANASTASIA.....APPLICANT

VERSUS

NALONDO PINENTO AND ANOTHER.....RESPONDENT

BEFORE THE HON. MR. JUSTICE STEPHEN MUSOTA

ORDER

When I perused the record for taxation of the bailiff's bill of costs, I did not find any ruling by the learned trial Magistrate to guide me on how he reached the figure he awarded to the bailiff. There is no indication that the relevant rules were followed. The trial Magistrate simply indicated 2M/= as taxed off item 22 where the value of the land was fixed by the bailiff and not the parties in the pleadings. There is no indication that all the other items were proved by the bailiff.

Further to this, the defendants appear not to have attended the taxation. This was irregular.

In the premises, I will set aside the taxation award and refer the file back to the Chief Magistrate for assignment to another Magistrate for fresh taxation in the presence of both parties.

Stephen Musota

JUDGE

14.8.2012