

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

CIVIL REVISION NO. 0009-2012

**(Arising from Bubulo Miscellaneous Application No. 40/2011 and Bubulo
Miscellaneous Application No.41/2011)**

(from Original Civil Suit No. 261 of 2011)

GRACE MOOLI.....APPLICANT

VERSUS

1. PAUL MOOLI

2. AIDA MUNIALO.....RESPONDENTS

BEFORE: THE HON. MR. JUSTICE STEPHEN MUSOTA

REVISION ORDER

This file was referred here for a possible Revision order by the Learned Chief Magistrate Mbale vides her letter dated 15 March 2012.

The said letter states and I quote,

“ Refer to the above applications where the Senior Principal Magistrate Grade One in charge Bududa/Bubulo extended an interim Order for injunction.

The order is stated to be in force until the disposal of the main suit, and this has caused a complaint. The order is attached for your reference.

Interim orders are in principal supposed to last a short, stated period so that the party for whom it was granted does not abuse court process by delaying to cause the other inter parties application to be heard expeditiously.

It's my opinion that the Magistrate erred in ordering that the Interim Order lasts until the main suit is completed, yet there is an interparty application pending hearing.

.....”

I agree with the views expressed by the Chief Magistrate. Interim orders are supposed to be for a short period pending hearing of a pending application for the relief in the interim order. This is to guard against abuse of the said interim order by the party to whom it is granted by delaying the hearing of the matter interparties.

Even then interim orders are granted in exceptional cases where for sufficient cause the application can not be heard interparties without delay.

The learned trial Magistrate erred in ordering that the interim order will last until the main suit is completed yet there is a pending interparties application for the same relief.

The unlimited interim order is hereby set aside.

Let the main application be fixed for hearing interparties if it is still necessary.

Stephen Musota

JUDGE

10.04.2012