

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MUBENDE
MISCELLANEOUS APPLICATION NO. 34 OF 2022

ARISING FROM CIVIL SUIT NOS. 48 OF 2020, 22 OF 2021, 298 OF 2021, 75 OF
2019 AND MISCELLANEOUS APPLICATIONS NOS. 135 OF 2020, 023 OF 2021,
71 OF 2021 AND 591 OF 2021

WINDRIVER LOGISTICS LTD APPLICANT

VERSUS

1. MITYANA FARM GROUP ENTERPRISES LTD
alias LAKE WAMALA FARM LTD
2. ABID ALAM
3. THE ATTORNEY GENERAL
4. AZIZ HARTY
5. PHOEBE NAMULINDWA
6. OCHOM EDWARD
7. ERASMUS TWARUHUKA
8. ISMAIL NASIF RESPONDENTS

BEFORE: HON JUSTICE DR. FLAVIAN ZEIJA

RULING

The Applicant herein brought the instant application by way of Notice of Motion under **Sections 33 and 98** of the **Civil Procedure Act Cap 71, Order III rules 1 and 3** of the **Civil Procedure Rules SI 71-1**, seeking for orders that;

1. *The Respondents be held in contempt of court orders issued in Miscellaneous Applications No. 37 of 2021, No. 023 of 2021 and No. 133 of 2021 (All arising from Civil Suit No. 48 of 2020), Miscellaneous Application No. 71 of 2021 (Arising from Civil Suit No. 22 of 2021) and*



Miscellaneous Application No. 591 of 2021 (Arising from Civil Suit No. 298 of 2021).

2. The 1st, 4th, 5th, 6th, 7th and 8th respondents be ordered to pay a fine UGX. 500,00,000/= each to the government of Uganda and general damages of UGX. 500,000,000/= each to the applicant for the contempt of court orders.
3. The 2nd respondent be ordered to pay a fine of UGX. 1,000,000,000/= to the Government of Uganda and general damages of UGX. 1,000,000,000/= to the applicant for the further and continuous contempt of court orders.
4. The 3rd respondent be ordered to pay general damages of UGX. 500,000,000/= to the applicant for the contempt of court orders.
5. If any of the 1st, 2nd, 4th, 5th, 6th, 7th or 8th respondents fails to pay the fine within fourteen days, such respondent should be committed to civil prison for six months.
6. The respondents be ordered to maintain the status quo of the suit land as previously determined by court in Miscellaneous Applications No. 135 of 2020, No. 37 of 2021, No. 023 of 2021 and No. 133 of 2021 (All arising from Civil Suit No. 48 of 2020), Miscellaneous Application No. 71 of 2021 (Arising from Civil Suit No. 22 of 2021) and Miscellaneous Application No. 591 of 2021 (Arising from Civil Suit No. 298 of 2021) and in particular the status quo to be clarified and maintained is that;
 - i) The applicant should not be evicted from the 3 and a half square miles which is part of land comprised in FRV HQT 130 Folio 7, Singo Block 308 Plot 143 at Lwamasanga- Bukompe and Singo Block 308 Plot 142 which the applicant has occupied since September 2020 till the disposal of the above suits.
 - ii) The applicant's farming activities on the said 3 and a half square miles including cultivation, opening and maintaining

water wells, dams and provision of all necessary equipment and/or infrastructure for cultivation, cows and workers on the suit land so occupied and the land occupied by the applicant's cattle should not be interfered with pending the disposal of the above suits.

- iii) Costs of this application be paid by the respondent.
- 7. Premised on the finding in 1 above, the Respondents be condemned to payment of a sum of UGX. 400,000,000 (Uganda Shillings Four hundred million) each to atone for the impugned contempt of court.
- 8. In the alternative to the relief sought in 2 above, the 1st and 2nd Respondents be committed to civil prison for a period not exceeding (6) six months to crack a whip against them for their egregious and wanton contempt of court.
- 9. Costs of the application be provided for

The grounds of the application are set out in the affidavit in support deponed by **Eria Mubiru**, the applicant's lawful attorney and operations chief officer but briefly that;

- 1. The applicant filed Civil Suit No. 48 of 2020 which is premised on it having interest in the suit land as purchasers who took over physical possession since September 2020 and started farming activities thereon and rearing cattle and goats.
- 2. That the High Court has issued several orders maintaining the status quo by allowing the applicant to continue in possession and use of the suit land but the 1st and 2nd respondents violated the said orders and attempted to evict the applicant and stop its workers from undertaking routine farm work like cultivation of pasture, fencing the

