



THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MBARARA
CONSOLIDATED HCT-CS-0056 OF 2014/HCT-CS-0060 OF 2014

HCT-CS-0056 OF 2014

VERONICA B. TINDYEBWA ----- PLAINTIFF
(Administrator of the Estate of the late Katambara Francisco)
VERSUS

1. JANE MUGARURA
2. MARY DORIS MUGARURA ----- DEFENDANTS
(Administrators of the estate of the late Myres Mugarura)
AND

HCT-0060 OF 2014

1. JANE MUGARURA
2. MARY DORIS MUGARURA ----- PLAINTIFFS
(Administrators of the estate of the late Myres Mugarura)
VERSUS


VERONICA B. TINDYEBWA ----- DEFENDANT
(Administrator of the Estate of the late Katambara Francisco)

Before: Hon. Justice Nshimye Allan Paul M.

JUDGMENT

REPRESENTATION

The Plaintiff (**VERONICA B. TINDYEBWA**) was represented by Advocate Kemigisha Maclean from Kemigisha Maclean & Co Advocates, while the Defendants (**JANE MUGARURA AND ANOR**) were jointly represented by Lex Advocates & Solicitors and Twinamatsiko & Agaba Advocates


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INTRODUCTION

The land conflict between the estate of the late Katambara Francisco and the estate of the late Myres Mugarura has been going on for a long time. This conflict has been categorized by the parties filing multiple suits and complaints, it is therefore important to give a chronology of the salient aspects relevant to the conflict now before court for adjudication.

1. On 28th April 1998 Veronica Birungi Tindyebwa was granted letters of administration to the estate of the late Katambara Fransico Vide High Court Adm Cause No 49/1998 (See PEX2 attached as annexure A2 to witness statement of Veronica Birungi Tindyebwa in High Court Civil Suit 56 Of 2014)
2. On 29th May 2005 the Mbarara District Land Tribunal made a judgement in a case in which Veronica Birungi Tindyebwa filed a suit against Myres Mugarura at the Mbarara District Land Tribunal vide Claim no MDLT 17 of 2003, where it held that

“the defendant is the registered proprietor of the land..., nonetheless the plaintiff is found to be a bonafide occupant on the defendants registered land”

(See PEX11 attached as annexure F to witness statement of Veronica Birungi Tindyebwa in High Court Civil Suit 56 Of 2014)

3. On 7th May 2008, Jane Mugarura and Mary Doris Mugarura were granted letters of administration to the estate of the late Myers Mugarura Vide High Court Adm Cause No 87/2008 (See Annexure B to High Court Civil Suit 56 Of 2014)
4. On 19th June 2014, Veronica B. Tindyebwa (Administrator of the Estate of the late Katambara Francisco) filed a suit against Jane Mugarura & Anor vide High court civil suit no 56 of 2014 seeking cancellation of certificate of title comprised in Ankole Kashari Block 1 Plot 19 alleging that the late Myers Mugarura had fraudulently transferred the land in his names in 1969. The plaintiff claimed that the late Katambara used the land since 1920's and a decree of the district tribunal confirms that the late Katambara owns a customary interest in the suit land. (See paragraph 4 of the plaint).
5. On 1st July 2014, JANE MUGARURA & Anor (Administrators of the estate of the late Myres Mugarura) instituted High court Civil Suit No.60 of 2014

against vs VERONICA B. TINDYEBWA stating that the defendant trespassed onto the plaintiff's land despite the presence of well-established boundaries. They also sought for an order for compensation of the defendant for the customary holding that she occupies on the plaintiff's land. (see paragraph 3 of the plaint).

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6. On 28th February 2017, the then Trial Judge Hon Justice David Matovu when dealing with a preliminary objection in High court civil suit no 60 of 2014, held that ;

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"It is the findings of this court that the doctrine of res-judicata will apply to the land occupied by the defendant within the boundaries of the trench as defined by the Mbarara district land tribunal judgement of 29th May 2005 and this court will not open any litigation relating to the land enclosed within the boundaries of the trench and occupied by the defendant and her family since the 1920's"

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(See annexure V on the witness statement of VERONICA B. TINDYEBWA in Tindyebwa in High Court Civil Suit 56 Of 2014)

7. On 28th June 2018, the then trial judge His Lordship Dr Flavian Zeija ordered for consolidation of the suits between the parties comprised in High court civil suit no 56 of 2014 and High court civil suit no 60 of 2014.
- 20
8. On 7th April 2021 the parties filed a joint scheduling memorandum wherein both parties agreed on the fact that.

"The plaintiff's customary interest in the suit land was determined by the Mbarara district land tribunal as "a well-established trench"

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ISSUES

The parties agreed to the following issues for determination.

1. Whether the Defendants fraudulently registered the property comprised in Block 1 Plot 19 and the subsequent title deeds for Plot 1446,1447,2228,2229, into their names.
- 30 2. Whether the Plaintiff has exceeded her boundaries as established by the Mbarara District Land Tribunal.
3. Whether the Plaintiff can be compensated in the event that she exceeds her customary holding.
4. What remedies are available to the parties.

SUBMISSIONS

The parties filed written submissions, where they both dropped the third issue.

5 PLAINTIFF'S SUBMISSIONS

The plaintiff (Veronica Tindyebwa) filed written submissions on the consolidated suits in the High court registry on 30th June 2023 and submissions in rejoinder on 4th August 2023.

10 ISSUE 1

The plaintiff submitted that she seeks the cancellation of title comprised in plot 19 on the grounds that it was fraudulently obtained when it belonged to the estate of the late Francisco X Katambara and furthermore that the title was obtained without their consent, thereby processing a title in a manner intended to defeat the
15 unregistered interests of the estate of the late Francisco X Katambara (See last paragraph of page2 of the submissions).

The plaintiff submitted that a certificate of title can be impeached due to fraud , stating that fraud is the international perversion of the truth , and noted that fraud
20 must be strictly proved. In support of her case, the plaintiff cited the authorities in **Fredrick Zaabwe Vs Orient bank & ors Scca 4 of 2006 and Kampala Bottlers vs Damanico LTD SCCA no 2 of 1992**. The plaintiff then stated that her late father Francisco Katambara had lived on the land in dispute comprised in plot 19 from the early 1920's. she submitted that the evidence of this was confirmed by her
25 witnesses at the Mbarara District land tribunal, but that these witnesses could not be recalled in the case at hand since they have all since passed on due to old age (see last paragraph of page 3 of the submissions)

She contended that by the time the late Myers Mugarura obtained the Certificate
30 of title of plot 19, the late Francisco Katambara had been in occupation of the land since 1920's and as such since the late Mugarura did not seek consent of the Katambara family, it implies that the certificate of title was obtained fraudulently with an aim of defeating the unregistered interest of the Katambara family that was in physical possession. (see paragraph 1 of page 4 of the submissions)

The plaintiff then prayed on issue 1, that court finds that Kashari Block 1 plot 19 was fraudulently procured in as much as it seats on the customary land of the plaintiff, and order for its cancelation. (see paragraph 4 of page 5 of the submissions)

ISSUE 2

The plaintiff submitted that the boundaries of their customary land were confirmed by all the 5 witnesses that testified at the tribunal, but have since all passed away.

That the Mbarara district land tribunal stated in its judgement that there is a large trench that goes around the land. The plaintiff disagreed with the trench identified by the court appointed independent surveyor while at locus, which is also marked in his report (see exhibit PSI) arguing that what the surveyor highlighted was a foot path. The plaintiff contended that she claims the whole plot 19 and as such has not exceeded its boundaries. In her submissions in rejoinder she stated that the trench talked about in the Tribunal judgment is around the whole plot 19 but not inside plot 19 as stated by the defendant.

The plaintiff also contended that HCT CS 60 of 2014 instituted by the defendant was declared to be res judicata in a decision of the court on a preliminary objection that is exhibited.

REMEDIES SOUGHT BY PLAINTIFF.

The plaintiff then prayed that.

1. The certificate of title of land comprised in plot 19 be canceled on the basis of fraud.
2. A declaration that the land belongs to the plaintiff and the estate of the late Katambara.
3. Court issue a permanent injunction against the defendant in respect to the land
4. Court grants an order of demolition against the defendants' developments on the land in dispute.
5. Court grants special and general damages for mental stress the plaintiff has suffered at the hands of the defendant and damage to her plants, tress.

graves household property and death of her cross breed dog. She then proposed special damages of shillings 200,000,000/= and general damages of shillings 300,000,000/=.

6. Costs of the suit

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Defendants 'S SUBMISSIONS

The defendant filed submission in court on 27th July 2023

Issue 1

10 On this issue the defendant submitted that during the court trial she availed court with a duplicate certificate of title of marked as DEX1 , which shows that the title was first registered in the names of the late Myres Grace Mugarura by instrument no MBR5977 on 16th December 1969. Later it was transferred into the names of the defendants by instrument no MBR 18060 on 15 December 2009 as administrators
15 of the estate of the late Myres Mugarura vide administration cause no HCT -05-cv-ac 087 of 2008. She contended that the title is conclusive proof of ownership as provided in section 59 of the Registration of Titles Act. The defendant then contended that the plaintiff has not proved fraud on the part of the defendants to lead to the impeachment of the title.

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The defendants stated that the title is a native freehold that was granted during the colonial government and its clear from the court rulings that the plaintiff is a kibanja holder on registered land. That the plaintiff in earlier proceedings stated that they own a kibanja on part of plot 19 and yet now she is claiming the whole of
25 the land comprised in plot 19, which the defendant states are irreconcilable positions (see page 4 of the submissions)

The defendant submitted that the burden of proof is on the person that alleges as stated in section 106 of the Evidence Act , contending that the plaintiff would if she
30 wanted cause the calling of the commissioner land registration who is in possession of all the land document files relating to the suit land. She concluded that the plaintiff has not proved fraud on the part of the defendant or predecessors in title.

Issue 2

The defendant made reference to the Mbarara District land tribunal judgment exhibited as PE11, stating that the plaintiff admitted that she is a customary tenant and the tribunal noted “ *a visibly pronounced trench which went round the land which the plaintiff said was the boundary line between herself and the defendant ..*” she contended that the plaintiff has always gone beyond the boundary line with the defendant reporting all the time (see last paragraphs of page 6 of the submissions in reply).

The defendant then concluded that since the plaintiff is now claiming the whole plot 19, which is beyond the demarcation identified by the tribunal, they pray that the court find that she has exceeded her boundary.

Remedies sought by the defendants.

The defendants contended that the plaintiff has not shown how she arrives at the special and general damages prayed for. The defendants then prayed that the suit against the defendants be dismissed with costs and prayers in HCT 60 of 2014 be granted.

DETERMINATION

Issue 1 : Whether the Defendants fraudulently registered the property comprised in Block 1 Plot 19 and the subsequent title deeds for Plot 1446,1447,2228,2229, into their names.

This issue mostly addresses the claim raised by Veronica B. Tindyebwa in this suit vide HCT 56 of 2014. In this suit Veronica B. Tindyebwa is alleging fraud and seeking the cancelation of a certificate of title comprised in Ankole Kashari Block 1 Plot 19 that was formerly registered in the names of the late Myers Mugarura.

It is a principle of law that once a person is registered as a proprietor of land, it is conclusive proof that they are the owner of the land as is provided **IN SECTION 59 OF THE REGISTRATION OF TITLES ACT**. It is also trite that the High court can order for cancelation of a certificate of title obtained through fraud as is provided in **SECTION 177 AND 178 OF THE REGISTRATION OF TITLES ACT**

The plaintiff (veronica Birungi Tindyebwa) seeks in her pleadings vide HCT 56 of 2014 for the cancelation of the certificate of title comprised in Ankole Kashari Block 1 Plot 19 on the basis of fraud which she particularizes in paragraph 6 therein as

1. Obtaining a title deed to the disputed land knowing very well that it belongs to the estate of the late Katambara.
2. Obtaining the title deed without the consent of the family of the late Katambara
3. Processing a title deed in a manner intended to defeat the unregistered interest of the estate of the late Katambara.

It is principle of law that the legal burden of proof is a burden that is fixed by law , while the evidential burden to prove a fact is on the one who alleges, as was stated by Hon Lady Justice Faith MWONDHA IN **KAMO ENTERPRISE LIMITED VS KRYSTALLINE SALT LIMITED SCCA 08 OF 2018.**

In cases where fraud is alleged, while seeking to cancel a certificate of title, the legal burden proof is that **“fraud must be proved strictly, the burden being heavier than on a balance of probabilities generally applied in civil matters”** as was stated by the supreme court in **KAMPALA BOTTLERS LTD VS DOMINICO (U) LTD SCCA 22/92**. This implies that the legal burden of proof is on the plaintiff is to strictly prove fraud to a standard higher than a mere balance of probabilities. On the other hand, the evidential burden of proof is on the person who alleges as is stipulated in the law in **SECTION 103 OF THE EVIDENCE ACT** which states that;

“The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.”

The plaintiff (Veronica B. Tindyebwa) in her evidence in paragraph 4 and 8 of her witness statement states that she produced 5 witnesses In the Mbarara district land tribunal proceedings to prove ownership of the suit land. She referred court to the proceedings in Mbarara District Land Tribunal vide Claim no MDLT 17 of 2003, exhibited as PEX13 and attached as annexure I to the plaintiffs witness statement.

I have perused the evidence on court record, and noticed that the plaintiff had made a prayer noted in the record at the 3rd page , marked as page 18 of the witness statement that;

5 *" she prayed to the tribunal to visit the locus and for cancelation of the title which encompasses her land and for costs of the suit"*

10 In my opinion this evidence shows that the District Land tribunal was asked to consider the legal interest in the land before this suit was filed. The evidence on court record contained in PEX14 labored mostly to show that the Katambara family in which the plaintiff belongs had a kibanja in the area. I have not found any evidence by way of exhibited documentation or oral evidence to impute Fraud by the defendants or the prior owner of the title, the late Myres Grace Mugarura when he was by instrument no MBR5977 registered on 16th December 1969 as proprietor
15 of Ankole Kashari Block 1 Plot 19.

20 The legal regime guiding land matters in 1969 did not bar the grant of titles of free hold or Mailo to an individual with squatters thereon, this explains the existence of the absentee landlords in some parts of Uganda , especially Buganda where in some cases land was brought under the operation of the Registration Of Titles Act, with squatters thereon.

25 The circumstances where fraud may be imputed in regard to land, where the kibanja owners consent and public inspection was not done, emanates from the legal dispensation ushered in with the promulgation of the **1995 UGANDAN CONSTITUTION** and the enactment of the **LAND ACT 1998**.

30 The **LAND REGULATIONS, 2004** made Under **SECTION 93 OF THE LAND ACT, CAP 227** provide for an elaborate procedure in the processing of land titles that require public notices and signatures from neighbours and any occupants in the land, but these 2004 regulations did not apply in 1969 when the late Myers Mugarura got his title.

Considering that the late Myres Grace Mugarura became owner of the suit land by instrument no MBR5977 registered on 16th December 1969 as proprietor of Ankole Kashari Block 1 Plot 19, the provisions of the law after 1995 would not apply to him.

5 It is not even proved that the late Myers Mugarura obtained the land by applying to any local authority, although the defendant has stated it was a gift from his father who was a prime minister of Ankole Kingdom called Mungonya. The fact that the late Mungonya was a prime minister of Ankole Kingdom is also not contested by the plaintiff.

10 It is my finding that the plaintiff has not discharged her legal and evidential burden to prove fraud in the acquisition and registration of the late Myres Grace Mugarura on 16th December 1969 as proprietor of Ankole Kashari Block 1 Plot 19 (now 2229). Issue 1 therefore fails.

15 **Issue 2: Whether the Plaintiff has exceeded her boundaries as established by the Mbarara District Land Tribunal.**

20 This issue mostly addresses the claim based on trespass raised Mugarura Jane in HCT 60 of 2014.

25 It is trite that orders of court must be respected and are binding on the parties unless they are set aside as was stated by the Court of appeal in **Amrit Goyal vs Harichand Goyal & 3 Others – C.A.C.A. No.109 of 2004**. The evidence contained in the judgement of the Mbarara district land Tribunal claim no MDLT 17 of 2003, that was exhibited by the plaintiff as PEX11 and for the defendant as DEX2 shows that the tribunal held that;

- 30 1. "the plaintiff is a bonafide occupant on the defendants registered land" (see 2nd last paragraph at page 6 of the tribunal judgement exhibited as PEX11 and DEX2.)
2. "the tribunal visited the locus in quo in the presence of the parties and a few witnesses. The plaintiff took the tribunal around the land pointing out what she claimed to be customary boundaries of her kibanja. The tribunal noted a

visibly pronounced trench, which went around the land which the plaintiff said was the boundary line between herself and the defendant" (See the tribunal judgement exhibited as PEX11 and DEX2, and attached as annexure F to witness statement of the plaintiff (Veronica Birungi Tindyebwa) in High Court Civil Suit 56 Of 2014 as well as attached as annexure C1 to the witness statement of the defendant (Jane Mugarura) in the same High Court Civil Suit 56 Of 2014

The boundary demarcated by a trench identified by the Mbarara District land tribunal in MDLT 17 of 2003 is key because it is what according to this earlier court decision divides the boundary between the family of the late Katambara (plaintiffs) and the family of the late Mugarura (defendants) as stated in the judgement of Mbarara District land tribunal in MDLT 17 of 2003.

The evidence on court record in respect to the boundaries between the plaintiffs and defendant's families can be drawn from Dw3 Amany Jack, who testified during cross examination that plaintiff has a young forest and the defendants have an old forest, between the two forests there are sisal plants and a trench.

This court ordered that an independent surveyor be appointed by both parties to carry out a survey of the land that was formerly comprised in plot 19, and determine if it overlaps with plot 22 and make a report relating to the matters in consideration.

The parties all agreed to the independent surveyor who produced a report that was exhibited and marked **PSI** on court record. He was cross examined on the report by both parties on 1st June 2023. The independent surveyor testified that the day they went on the ground at the suit land, the LC Chairman showed them the boundary between the parties that he marked on the survey map that he produced and filed in court.

He also testified that he surveyed the plaintiffs occupied area (kibanja) which he marked as **portion 1** on the survey map, stating that it is located in plot 2229, and that it has eucalyptus trees, a homestead of the plaintiff (Veronica Tindyebwa) and

old house . That the total area that constitutes the plaintiff's kibanja is 1.01 Ha (2.496 acres). He stated that the plaintiffs land its enclosed by a trench dug around it, that is still slightly visible on the lower side. (See finding no 7 of the report and conclusion 3 of the independent surveyor's report).

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During the locus visit this court, the independent surveyor showed the boundaries of plot 22 and 19, proving that they don't overlap. He also showed court the area in the middle of plot 19 that he stated had the remnants of the trench that is a boundary between the two families. Dw3 during cross examination at the locus
10 also stated that the trench used to be big, but the plaintiff brought prisoners who covered it.

The Court observed that there was a noticeable difference in gradient of the soil with sisal plants at the point that the defendants and the independent surveyor
15 claimed is where a trench is located at the lower side, and after informing the parties of what court had noticed as well as putting it on court record, the court marked the same on the cadastral map made by the independent surveyor and counter signed. The court also noted on court record that the clerk takes pictures to be put on court file, which was done.

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I will now analyze the parties' claims relating to the trench which both parties in their testimony state is a boundary between the plaintiff and defendant. The differing positions are that, the plaintiff (Tindyebwa) states that the trench was going around the whole land (plot 19) thus her claim that the whole of what
25 constituted formerly plot 19 is her family's kibanja, while the defendant (Mugarura) contends that the trench is within the former plot 19 (now plot 2229) and it goes around the plaintiffs (Tindyebwa) kibanja.

In my analysis I will again look at the judgement of the Mbarara district land
30 Tribunal in claim no MDLT 17 of 2003, that was exhibited by the plaintiff as PEX11 and the defendant as DEX2, which stated that;

1. "the plaintiff is a bonafide occupant on the **defendants registered land**" (see 2nd last paragraph at page 6 of the tribunal judgement exhibited as PEX11 and DEX2.)
2. "the tribunal visited the locus in quo in the presence of the parties and a few witnesses. He plaintiff took the tribunal around the land pointing out what she claimed to be customary boundaries of her kibanja. The tribunal noted a visibly pronounced trench , which went around the land which the plaintiff said was the **boundary line between herself and the defendant**" (see last paragraph at page 3 of the tribunal judgement exhibited as PEX11 and DEX2.)

It is clear from the above decision of the Mbarara District land tribunal made on 29th may 2005, which is now 18 years ago, that it can be deduced that the plaintiff and defendant share a boundary as neighbors, irrespective of land tenure rights they each separately enjoy.

This court also noted during the locus visit and as guided by the independent surveyor's map in the report that Plot 19 is bordered by Ntare school on one hand, on another side by a road going to Fort Caleb and kyamugoranyi road on the other side. This basically the plot 19 is surrounded by roads.

In my analysis, the above means that if the boundary trench was going around the whole land (Plot 19) as claimed by the plaintiff, then the family of the late Mugarura would be staying across one of the road to be a neighbor across a trench by the road, which I find is not likely because the Mugarura's have a permanent home seen during the locus visit that is within the suit land (plot 19). This observed position leaves only one possibility that the trench is within the plot 19 as stated by the evidence adduced by the defendant (Mugarura) and corroborated by the Local council chairman who guided the surveyor on the ground during the independent survey where he showed him the remnants of the trench also identified by court during the locus visit as an area with noticeable difference in land gradient with sisal plants nearby in the bush. Which proves what the defendant testified that marker plants served as the boundary between the parties.

The legal burden in civil matters such the one addressed in this issue, requires the party alleging to prove a fact is on the balance of probabilities. This court finds that on the balance of probabilities the defendant has proved that the trench acting as a boundary between the two parties families is in the middle of what was formerly plot 19 (now plot 2229), this evidence is corroborated by the evidence of the independent surveyor that was guided by the Local Council Chairman and Others, as shown on survey map attached as annexure A to the survey report exhibited as PSI.

Having determined where the boundary between the parties is located within plot 19, the question now that needs to be addressed in this matter is whether there is any evidence adduced by the defendant (Mugarura) to show that the plaintiffs (Tindyebwa) have crossed to their part in the land.

The evidence on court record does not show or prove trespass by the plaintiff. The pictures taken at the scene by the clerk of court and put on court record as LOCUS PIC1, PIC2, PIC3, PIC4, PIC5, PIC6, PIC7 and PIC8 all show trees and bush on a large part. I find that the defendant has not proved trespass by the plaintiff from her Kibanja. So issue 2 fails

I have noted that this conflict has persisted because the Mbarara District Land Tribunal left a loose end in respect to the boundaries as was observed in a typed preliminary objection ruling of His Lordship Hon Justice David Matovu in HCT 60 of 2014 (see page last two paragraphs of the Ruling on this court record).

The court is duty bound to use its inherent powers to make orders that can foster some peace between the parties. in this case it may require closing the loose end left by the land tribunal. In order to avoid future complaints between the parties that one has crossed the boundary (trench and sisal plants) which may be compromised in the future since it is land whose terrain can be changed and given that the independent survey marked out the part of the land in former plot 19 (now 2229) that according to the chairman comprises the plaintiffs (Tindyebwas) kibanja, identifying it as "**portion 1**" on the survey map measuring 2.496 acres. (see finding no 7 and conclusion no 3 of the independent survey report exhibited as PSI)

and also considering that upon the visit at the locus by this court, I observed that the plaintiffs (Tindyebwa) house and her father's house are all within the area that the independent surveyor marked as "portion 1". I order that the area marked as "portion 1", constitutes the plaintiffs Kibanja as was marked using survey mapping coordinates on the surveyor's map. Those coordinates of portion 1 made by an independent surveyor will constitute the boundary of the kibanja of the estate of the late Katambara on registered land belonging to the estate of the late Myers Mugarura.

I am of the opinion that, if the defendant (Mugarura) surveys off the land marked as portion 1 measuring 2.496 acres out of Kashari Block 1 plot 2229 by creating a new title. This border of the independent title of the area marked as portion 1 on the surveyor's report will constitute the boundary of the kibanja of the family of the late Katambara avoiding any future allegations of expansion by either party and may ease any future negotiations in respect to the created title for "portion1" between the landowners (the Mugarura Family) and Kibanja owners (the Katambara Family) as is prescribed by the law.

In conclusion I order that;

1. HCT 56 of 2014 is dismissed.
2. HCT 60 of 2014 is dismissed.
3. The area marked as portion 1 on the independent survey report and map in former Kashari Block 1 plot 19 (now 2229) measuring approximately 2.496 acres is the kibanja of the late Katambara on registered land that belongs to the estate of the late Myers Mugarura.
4. That the defendants will survey off the land identified by the independent surveyor as "portion 1" measuring 2.496 acres out of Kashari Block 1 plot 2229 and create a new title of the area marked as portion 1 in the surveyor's report exhibited as PSI on court record.
5. That each party will bear its own costs.


NSHIMYE ALLAN PAUL

JUDGE

20-10-2023