

I observe that this notice of motion does not comply with Provisions of Order 48 rule 3 of Civil Procedure Rules which require a notice of motion to state general grounds of the application. In this application no ground of the application was stated in the notice of motion, that was a serious omission which rendered the application incurably defective.

Order 39 rule 4(4) of Civil Procedure Rules under which this application was brought does not deal with setting aside or review of orders made by District Registrars relating to stay of execution.

On those three grounds I must, with due respect, agree with Mr. Mutyabule's contention that this application is misconceived and it cannot succeed. In these circumstances the application is dismissed with costs to the respondents.

Both counsel have informed me that there is an appeal pending between the same parties and the two counsel requested me to make an order for an early hearing of that appeal. I take their word to be true, in that an appeal is pending involving the same people. I order that the appeal be fixed for hearing as soon as possible in case it is ready for such hearing. So I order.

C.M. KATO
J U D G E
12/10/93

COURT: The court is as before.
Ruling is delivered.

C.M. KATO
J U D G E
12/10/93