

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

**HCT-04-CV-MA NO. 169 OF 2013
(FROM MISC. APPLICATION NO. 168 OF 2013)
(FROM MISC. APPLICATION NO. 167 OF 2013)
(CIVIL APPEAL NO. 71 OF 2013)**

**BOARD OF GOVERNORS TOSWO S.S.S.....APPLICANT
VERSUS
KOKOP JANET MANGUSHO.....RESPONDENT**

BEFORE: THE HON. MR. JUSTICE HENRY I. KAWESA

RULING

This is an application for a Certificate of Urgency to hear Miscellaneous Cause No. 168/2013 during court vacation. There is a pending eviction of the applicant school. There is before court an appeal No. 071 of 2013 which needs determination hence the need to preserve the status quo.

Under the rules, a Certificate of Urgency is granted if in the opinion of the Judge the matter is of an urgent nature.

The issue is therefore whether there is sufficient ground to conclude that the matter before court is of an urgent nature.

SI 187/94, places the burden to determine urgency in the opinion of the Presiding Judge.

In the present application both counsel for applicants and respondents have agreed that indeed there are students in the subject matter of dispute who need protection

to maintain the status quo. However counsel for respondent told court that there is no “immediate threat of eviction.” However he concurred with applicants that there is need to determine the appeal to resolve the matters once for all.

Since am not hearing the appeal, I can’t argue its merits and demerits. However if an appeal is to be meaningful then there should be preservation of the subject. The status quo therefore needs to be protected especially if applicants are perceiving a threat of demolition. I agree that this places their case under “matters of an urgent nature”.

However this ill can be cured if instead of fixing the application for stay of execution, the applicant fixed the appeal so that the grace period granted by respondents to him as (intimated in court) is used to argue the appeal.

I find that there is sufficient cause shown. The matter is urgent. The Certificate of Urgency is hereby granted. Parties (counsel) should however work with the court Registrar to have the main appeal fixed urgently.

Henry I. Kawesa
JUDGE
02.08.2013