

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA - NAKAWA CENTRAL CIRCUIT
MISCELLANEOUS APPLICATION NO. 184 OF 2013**

**ALEX KATUNGYE :::
APPLICANT**

V E R S U S

**CENTENARY RURAL DEVELOPMENT BANK LTD.
& 2 OTHERS :::
RESPONDENTS**

EX PARTE RULING

Before: Hon. Lady Justice Elizabeth Ibanda Nahamya

This Application is brought under section 98 of the Civil Procedure Act Cap. 71, Order 52 rules 1 and 2, rule 4 of the Judicature (Court Vacation) Rules S. I. No. 13 - 20 for orders that Miscellaneous Application No. 370/2013 be certified as a matter of urgency. The grounds of the Application are that Misc. Application No. 370/2013 is of an urgent nature and as such should be heard by the Court during its vacation. Further that the Respondent has advertised the suit property for sale and the Applicant is in danger of being evicted from there.

The Application is supported by the Affidavit of Mr. Alex Katungye the Applicant. He deponed that if the Application is not heard during the Court Vacation, he will suffer substantial loss and irreparable damage and great inconvenience.

SUBMISSIONS

Notice of Motion filed under S. 98 of the Civil Procedure Act 052, r 1 & 2 Civil Procedure Rules 4 Judicature (Court Vacation) Rules S. 1 No. 13-20 seeking order that Misc. Application 370 be certified as an urgent matter to be heard during Court Vacation.

The grounds

The first Respondent, Centenary Rural Development Bank Ltd & the second Respondent Benjo General Auctioneers & Court Bailiffs have advertised the Applicant's land for sale. The land is comprised in Block 225, Plot 174 situate, Kyadondo, Land at Kyaliwajala measuring 0.081 hectares. The Advert appeared in Bukedde dated 18th July 2013. It is filed and attached to the Misc. Application for Interim Order (Misc. Application No. 370). In the Advert the Applicant was ordered to vacate in 14 days. If property is not secured, Applicant stands to lose his property and house as shown in advert and already there are threats of eviction. Additionally, Applicant bought the land in 2001. The Agreement of purchase is attached as Annexure "A" to the Application for an Interim Order. The Applicant has filed Civil Suit No. 184 of 2013 in which he claims that the suit land is not a subject of attachment and states that first Respondent and third Respondent wrongfully and illegally put a mortgage on his land without his consent or authority.

I therefore pray that matter be certified as urgent to enable Applicant secure these properties.

RULING

I have heard the Applicant's lawyer's submissions and have perused the documents contained in the Affidavit as well as the cross references made. The Applicant states that he is in danger of being evicted from the suit property and will suffer substantial loss if this happens.

I am convinced that this is a good reason and befitting matter for the issuance of a Certificate of Urgency.

In the circumstances, it is hereby Ordered that Miscellaneous Application No. 370 of 2013 be certified as a matter of urgency and be heard during Court Vacation.

Signed:.....

Hon. Lady Justice Elizabeth Ibanda Nahamya

J U D G E

05th August 2013