

3. On the preliminary objection that the second applicant has no affidavit in support, this is a defect that is curable by either the second applicant filing his own affidavit or the filed affidavit of the first applicant being amended. However I wish to express that this objection generally brings out the poor drafting skills the applicants exhibited in the pleadings.
4. Since they are now represented, I hereby direct the Applicants lawyers to refile all their pleadings rectifying all manner of errors therein within two weeks of receipt. I make haste to add that the errors in pleadings did not prejudice the temporary injunction hearing I am now determining; and the corrections directed are in respect of the main suit and other pleadings in applications not yet determined.
5. Having said that, I have no basis at all to consider the preliminary objection that the Applicants falsified the record or committed acts of fraud as alluded to by the Respondent counsel. At this stage, there is no prejudice demonstrated to be suffered by the Respondents from the errors in the pleadings. The preliminary objection on falsification of the record is dismissed.
6. An injunction cannot be open ended and it can only run till final determination of the head suit. I have no understanding that beyond the language and construction errors, the Applicants seek an indefinite injunction. Even if they did, it would be redundant as this court can't be bound by such pleadings. The status quo the Applicants seek to maintain is that of sustaining their class attendance and sitting examinations pending the final determination of the main application.
7. I will now turn to the temporary injunction application. In determining whether to grant a temporary injunction, the court must invoke a 3 tier test; (i) it must be satisfied that there is a *prima facie* case with high chances of success; (ii) the applicant will suffer irreparable loss if the injunction is not granted and (iii) if court is in doubt in respect of (i) and (ii) above, then it makes a determination based on a balance of convenience.

8. In this case, it is not clear to me that the applicants have a *prima facie* case with high chances of success. I am also not convinced at all that they will suffer irreparable loss that can't be atoned in damages by the Respondent. I will therefore make a determination on a balance of convenience.
9. In this case, while I have few Applicants, the committee decision in issue has been demonstrated at trial to affect over 150 students who had registered, attended classes, some having already paid fees and waiting to write repeat supplementary examinations later this month. LDC. had allowed them to attend these classes and also register. In these circumstances, this court considers that it would be more inconvenient for the Applicants to be stopped at this advanced stage.
10. It is for this reason, and to avoid unnecessarily disorganizing these students that I am inclined to allow the temporary injunction application halting the implementation of the committee decision to the Applicants and all the other students in their predicament pending the determination of the head suit. I find that it is more convenient that the students attend their classes uninterrupted until the main application is determined or otherwise directed by court.
11. However I cannot stop LDC from charging requisite examination fees as it deems fit. So the injunction does not extend to fees not being paid. Given the nature of this case, I undertake to prioritize and hear the main application expeditiously. I consider an award of costs will only brew acrimony between the parties so in my discretion, I will not award any. Each party bear its own costs.
12. Given the nature of this case, I undertake to prioritize and hear the main application expeditiously.
I so order.

Lydia Mugambe
Judge

6th August 2019.