

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT MASINDI

CIVIL APPEAL NO. 0025 OF 2020

(Arising from Hoima Misc. Application No. 011 of 2020)

(All Arising from Hoima Civil Suit No. 016 of 2020)

KOSIYA KAGORO ARAALI :..... APPELLANT

VERSUS

1. HAJJI OUSMAN KITUNZI	}	:..... RESPONDENTS
2. JOYCE BYABAKAMA		
3. KYOMUHENDO SILVER		
4. MURUNGI GILBERT		

CONSENT JUDGMENT

Whereas:

1. The Appellant is the registered proprietor of all that land comprised in **FRV HQT 465 Folio 6 Block (Road) 15 Plot 618 at Kiganda** measuring approximately 0.0650 hectares.
2. The Respondents did file Civil Suit No. 016 of 2020 against the Appellant challenging among others his action of blocking the existing access road to their respective tenements which neighbours the Appellant's plot of land.
3. The said access road has always existed and was being used by the Respondents long before the Appellant obtained his title in 2019.
4. The Respondents were granted a mandatory injunctive order requiring the Appellant to remove the building materials including concrete stones, building blocks and sand he had deposited blocking the access road as well as a temporary injunction restraining him from interfering with the Respondents' use of the access road.
5. The Appellant being dissatisfied with the said orders appealed to this Court vide Civil Appeal No. 025 of 2020.
6. The parties have agreed by consent that Civil Appeal No. 025 of 2020, Hoima Chief Magistrate's Court Misc. Application No. 011/2020 & Civil Suit No. 016 of 2020 be compromised and/or amicably resolved.

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Wherefore, it is agreed and/or consented to by the parties as follows:-

- a. The Respondents/Plaintiffs pay and have paid the Appellant/Defendant a sum of Ug. Shs. 10,000,000/- (Ten Million Shillings only) on A/C No. 8020002273 held in Centenary Bank, Hoima Branch in the name of the Kosiya Kagoro Araali at execution of this consent being full and final consideration for the suit access road measuring in width 12ft stretching from the Appellant's existing room/building up to the 2nd Respondent's wall running from the main road down up to the end of the Appellant's plot.
- b. The Appellant shall immediately remove at his own costs all the building materials including the concrete stones, the building blocks and sand deposited in the access road in any case not later than 01st June, 2021 failing which execution shall issue at the Appellant's cost.
- c. The Appellant shall at the execution of this consent execute mutation forms to enable the Respondents mutate off the Appellant's title the area covered by the access road. The Appellant shall also execute transfer form, provide a photocopy of his National identity card as well as copies of his passport photographs to enable the Respondents transfer the access road into their names.
- d. That the Respondents/Plaintiffs shall meet the costs of subdivision of the suit easement from the Appellant's title for land comprised in **FRV HQT 465 Folio 6 Block (Road) 15 Plot 618 at Kiganda** measuring approximately 0.0650 hectares. The Appellant commits to provide a duplicate Certificate of title to enable the Respondents after the mutation the creation of the Certificate of title and eventual registration and vesting of the area covered by the access road into their names.
- e. The Appellant has upon execution of this consent ceased to have any claim in respect of the area covered by the access road and consents to the vesting of ownership of the area covered by the access road into the Respondents and undertakes not to block or interfere with the Respondents; use of the same as an access.
- f. The parties agree that upon fulfilment of the terms of this consent neither party shall have a claim against the other and accordingly the head suit is settled in the same terms and the parties undertake

to appear in the Chief Magistrate's Court and register the a consent in the same terms in the head suit.

g. Each party shall bear their own costs.

Dated at Masindi this 21 day of 05, 2021.

Kosiya Kagoro Araali

Kosiya Kagoro Araali

APPELLANT

Hajji Ousman Kitunzi

Hajji Ousman Kitunzi

1ST RESPONDENT

J.B.

Joyce Byabakama

2ND RESPONDENT

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Kyomuhendo Silver

3RD RESPONDENT

Kasangaki Simon

Kasangaki Simon

Counsel for Appellant

Kabega Musa

Kabega Musa

Counsel for the Respondents

COURT:

Since the parties agree, it is hereby ordered.

Given under my hand and the Seal of this Honourable Court this 21st day of May, 2021.

Byaruhanga Jesse Rugyema

JUDGE