



Agreed issues for trial are: -

1. Whether the activities of the 1<sup>st</sup> Defendant at Buntaba village in Mukono District amount to nuisance
2. Whether the Plaintiff is liable in contributory negligence for her actions
3. Whether the 2<sup>nd</sup> Defendant failed in its statutory duties as enshrined in the law in relation to the land at Buntaba Village in Mukono District
4. What remedies are available to the parties

#### Resolution of issues

Issue 1. Whether the activities of the 1<sup>st</sup> Defendant at Buntaba village in Mukono District amount to nuisance

#### Plaintiffs submissions.

Counsel for the plaintiff relied on the case of *Lukanga Muhammd –v- Musa Juuko C.S No. 42 of 2016 and Winfield on Tort at Page 318*, where nuisance is defined as the undue or unreasonable or unlawful interference with a person's use and enjoyment of land, or some right over or in connection with it.

Counsel submitted that from the above definition, the Plaintiff claiming an offence in nuisance must prove that the Defendant is guilty of unlawful or undue or unreasonable interference with the use or enjoyment of land by the Plaintiff, the interference complained of must be with the use or enjoyment of the Plaintiff's land and that damage must result as a consequence of the undue or unlawful or unreasonable interference with the use of land. He referred this court to; The Law of Tort, 4<sup>th</sup> Edition, by S. P Singh at page 262.

Counsel explained that only a person who has proprietary interest in the land affected by the nuisance can sustain a nuisance claim. That this was stated in the case of *Cunard & Wife –v- Antifyre Ltd [1933] 1 KB 551 at page 556 – 557*. That in the instant case, the Plaintiff is proprietor of the land comprised in Kyagwe Block 80 Plots 177 and 781, at Butaba in Mukono District where she was farming and rearing pigs and poultry.

That the 1<sup>st</sup> Defendant carried out excavation and quarrying activities on land adjacent to the Plaintiff's land and in the process, destroyed the Plaintiff's property on her land. Counsel explained that the quarrying activities by the 1<sup>st</sup> Defendant caused cracking of walls, damage to the roofs, windows and doors of the Plaintiff's farm houses, stillbirth and miscarriage of the plaintiff's pigs on the farm, the Plaintiff's layer birds stopped laying eggs and that there was

destruction of crops and trees on the Plaintiffs farm due to violent vibrations, flying rocks  
70 (stones), excessive noise, dust, pollution of the air and water sources caused by the 1<sup>st</sup>  
Defendant's blasting, excavation and quarrying activities.

Counsel explained that the 1<sup>st</sup> Defendant never complied with the conditions that were given  
to him by the 2<sup>nd</sup> Defendant in the Environmental Improvement Notice dated 22/8/2016,  
tendered in court as exhibit D.1 and submitted that in the process, the 1<sup>st</sup> Defendant  
75 unreasonably used his land in a manner that interfered with the Plaintiff's use and enjoyment  
of her land which amounts to a nuisance.

#### **Submissions for the 1<sup>st</sup> Defendant.**

In reply, Counsel for the 1<sup>st</sup> Defendant relied on **Howarth David, Textbook on Tort,  
Butterworths (1995:499)**, which defines nuisance as an unreasonable interference with the  
80 Plaintiff's enjoyment of his/her land. He explained that liability of the neighbour lies not so  
much in the intention to cause the nuisance but whether the Plaintiff's enjoyment of his  
property is outweighed by the Defendant's activity complained of.

Counsel further relied on **Bulen & Leake & Jacobs on precedents and pleadings Sweet &  
Maxwell, 1990:700 and 701**, where it is states that: -

85 *"nuisance is concerned with conditions and activities which interfere with the use or enjoyment  
of land; and that 'courts balance the competing interests of neighbouring land owners and  
adjust their respective rights and privileges' (P.701)"*

Counsel submitted that in an article by Stimmel, Stimmel & Smith, Law Office at <http://Stimmel-law.com>, it is stated that; -

90 *'a landowner is relieved from liability for injuries caused to an adjoining owner who makes  
"reasonable use" of his/her property. However, the rule which allows a person to use his/her  
own property in such a manner to cause injury to another's property without any liability will  
be limited and is carefully defined in the courts and by statute...A landowner's use of his/her  
property becomes unreasonable and unlawful if it constitutes an appropriation of the adjoining  
95 land and if it deprives the reasonable enjoyment of the adjoining owner of his/her property to  
a material degree. Brownsey -v- General Printing Ink Corp., 118 N.J.L. 505 (Sup. Ct. 1937).'*

100 He submitted that in this case, the 1<sup>st</sup> Defendant was licenced to carry out the quarry business in the area in 2007 and that there were other companies in the area also dealing in the same business. That the Plaintiff ought to have assessed the impact that quarrying would have on her farming business before settling in the area to start her farming.

105 Counsel further submitted that the 1<sup>st</sup> Defendant was using its land lawfully as it was licensed by the 2<sup>nd</sup> Defendant and therefore, its use of the land wasn't unreasonable as claimed by the Plaintiff. That at the time the Plaintiff established her farming business in the area, the 1<sup>st</sup> Defendant had already been in business for over 5 years. Counsel explained that reasonable use of land that leads to injury does not per se attract liability but if the user denies the adjoining owner reasonable enjoyment of his land, then the defendant is liable. That according to Exh. D1, which the 2<sup>nd</sup> Defendant issued to the 1<sup>st</sup> Defendant, it is clear that the 1<sup>st</sup> Defendant was operating according to the law. That this is coupled with the fact that the complaints against 110 the 1<sup>st</sup> Defendant came from the Plaintiff almost 9 years after the 1<sup>st</sup> Defendant was cleared to carry out business in the area and that the 2<sup>nd</sup> Defendant had no issue with the mode of operation of the 1<sup>st</sup> Defendant. Counsel further argued that there is also no evidence on record to confirm that it is the 1<sup>st</sup> Defendant that carried out the blasts leading to damage of different properties in the neighbourhood. He emphasized that a proper examination of the Plaintiff's 115 evidence in chief, shows that the Plaintiff was not sure about which company led to the blast and there is no evidence to show that the acts complained of really caused the nuisance as complained of by the Plaintiff.

#### **Analysis.**

**Black's Law Dictionary, 10<sup>th</sup> Edition, at page 1234, defines a nuisance generally as;**

120 *"anything that works or causes injury, damage, hurt, inconvenience, annoyance or discomforting to one in the enjoyment of his legitimate and reasonable rights of person or property; or that which is unauthorized, immoral, indecent, offensive to the senses, noxious unwholesome, unreasonable, tortious or unwarranted or which injures, endangers or damages one in an essential or material degree in, or which materially interferes with, his legitimate rights*  
125 *to the enjoyment of life, health, comfort, or property, real or personal"*

Clerk and Lindsell on Torts, page 1354 para 24-01, defines 'nuisance' as;

130 *"an act or omission which is an interference with, disturbance of, or annoyance to, a person's rights used or enjoyed in connection with land. It is caused, usually when the consequences of a person's actions on his land are not confined to the land, but escape to his neighbors' land causing an encroachment and causing physical damage or unduly interfering with the neighbors' use and enjoyment of his land."*

On page 1235, Black's Law Dictionary, Private nuisance is defined as;

135 *"that which affects a private right not common to the public or that causes a special injury to person or to property of a single person or a determinate number of people"*

In private nuisance there must be an interference with the occupier's use and enjoyment of his land. The interference must be unreasonable, causing material and substantial injury to property or unreasonable discomfort to those living on the property. The liability of the defendant arises  
140 from using land in such a manner as to injure a neighboring occupier. Therefore, nuisance imposes the duty of reasonable use on neighboring occupiers of land.

In cases of Private nuisance, it must be proved that;

- i. The plaintiff had a possessory interest in the land. The plaintiff must either own the land or have the right to possess it.
- 145 ii. The defendant must have actually performed an act that interferes with the plaintiff's use and enjoyment of the land/property.
- iii. The defendant's act must have caused an interference with the plaintiff's use and enjoyment of the property that is substantial and unreasonable. The actions must be something that a reasonable person would not tolerate.

150 In this case, the Plaintiff is the registered proprietor of the land and she had established a farm on it. Exhibit P.1 is a land title showing that the Plaintiff is the registered proprietor of the land comprised in Block 80 plot 177 and 781. The Plaintiff had buildings, a piggery and was also rearing chicken on the said land. The Plaintiff informed court that excavation blasts by the 1<sup>st</sup> Defendant caused cracks in the buildings on her land/farm. That her pigs suffered still births and  
155 her hens suffered a reduction in laying eggs. Exhibit P.8 are photographs showing cracks in the walls of the buildings on the Plaintiffs farm and a pig lying on the floor of one of the rooms.

Exhibit P.3. is a letter written by the Plaintiff to the 2<sup>nd</sup> Defendant notifying it of the loss that she suffered on her farm as a result of the 1<sup>st</sup> Defendant's blasts during the excavations. Exhibit P.4 is a letter showing the damages that the Plaintiff suffered as a result of the blasts that the 1<sup>st</sup> Defendant carried out on the 29<sup>th</sup> July, 2016.

Under paragraph 4 of Exh.P.4, the Plaintiff states that as a result of the blasting carried out on the 1<sup>st</sup> Defendant's land, several stones, some weighing as many as 15 Kgs uncontrollably scattered in the air and caused destruction to structures within the vicinity of the site. That one of the Plaintiff's piggery rooms was destroyed by a massive stone, some stones destroyed the door and windows to her living room, while the tremors caused the Plaintiff's pigs to suffer still births and the hens suffered reduced productivity in laying eggs.

On the other hand, the 1<sup>st</sup> Defendant admits under paragraph 3.2 of Exhibit D.2 that it carried out blasts on its site on the 29<sup>th</sup> July, 2016. This is the same date that the Plaintiff's farm was affected by blasts. Under paragraph 3.3.3 of Exhibit D.2, the 1<sup>st</sup> Defendant says some people were compensated for damages suffered as a result of the blasting. Names of residents who refused to be compensated for various reasons have also been given.

I would find in view of the above evidence that it is the blasting by the 1<sup>st</sup> Defendant that caused damage on the Plaintiff's firm and as such, the 1<sup>st</sup> Defendant's activities amount to a nuisance.

**Issue 2: Whether the Plaintiff is liable in contributory negligence for her actions.**

In **De Frias –v- Rodney 1998 BDA LR 15** court noted that: -

*“Contributory negligence required the foreseeability of harm to oneself. A person is guilty of contributory negligence, if she ought reasonably to have foreseen that if she did not act as a reasonable prudent person, she might be hurt and in reckoning must take into account the possibility of others being careless. All that is required here is that the plaintiff should have failed to take reasonable care for her own safety.”*

Contributory negligence is the plaintiff's failure to exercise reasonable care for their safety. Once it is proved that there was contributory negligence by the Plaintiff, she/he can be barred from recovery or the amount of compensation to be received can be reduced because her actions increased the likelihood that the incident occurred.

In determining contributory negligence, Lord Denning, MR in *Jones –v- Livox Quarries Limited* 1952 2 QB 608 at page 615 noted that: -

190 *"Just as actionable negligence requires the foreseeability of harm to others, so contributory negligence requires the foreseeability of harm to oneself. A person is guilty of contributory negligence if he ought reasonably to have foreseen that, if he did not act as a reasonable, prudent man, he might be hurt himself..."*

195 In contributory negligence, court looks at whether the Plaintiff had acted reasonably in the circumstances to avoid foreseeable harm. The Plaintiff need not to have acted so as to prevent any and all foreseeable accidents, but rather just taking precautions to avoid generally foreseeable harm.

In the instant case, Counsel for the 1<sup>st</sup> Defendant submitted that the Plaintiff bought her land in this area in 2012 after the 1<sup>st</sup> Defendant had obtained approval from the 2<sup>nd</sup> Defendant to carry out quarrying activities in the area on the 2<sup>nd</sup> March, 2007 and that as such the Plaintiff ought to have known that this was a quarrying area and should not have established a farm in the area.

200 A copy of the certificate of approval dated 2<sup>nd</sup> March, 2007 was tendered in court as Exhibit D.1. On Page 2, of this certificate, the 1<sup>st</sup> Defendant is given conditions as follows;

- i. To undertake to compensate the nearby residents in accordance with the National laws governing compensation before the quarrying activities begin so that they are relocated.
- 205 ii. To undertake to compensate all those individuals whose property may be destroyed as a result of flying stones or quarrying related activities
- iii. To ensure that environmentally acceptable explosives are utilized for stone extractions to avoid social problems and inconvenience related to quarry operations
- 210 iv. To ensure that wet processing method is used during stone crushing so as to minimize dust emission

I note from the above, that the approval does not bar settlement in the area. It instead requires the 1<sup>st</sup> Defendant to ensure that there is proper co-existence and harmony with the local community. Therefore, I would find that there was no contributory negligence by the plaintiff buying land and establishing a farm in the area after the 1<sup>st</sup> Defendant had been given a certificate  
215 of approval by the 2<sup>nd</sup> Defendant. Under condition No. iii, the 1<sup>st</sup> Defendant was to ensure that

environmentally acceptable explosives are utilized for stone extractions to avoid social problems and inconvenience related to quarry operations. What the 1<sup>st</sup> Defendant needed to do was to fulfil the conditions of the approval given to him by the 2<sup>nd</sup> Defendant if he was to carry out quarrying activities in the area. Moreover, the Plaintiff states under paragraphs 6,7 and 8 of her  
220 witness statement, that when she bought land in the area between 2009 and 2012, she set up her farm and operated on the land without any problems until July, 2015 when the 1<sup>st</sup> Defendant begun excavation and blasting activities in close proximity to her property. That on the 21<sup>st</sup> July, 2015 when the 1<sup>st</sup> Defendant's employees made announcements to the community that there were going to be blasting of stones by the 1<sup>st</sup> Defendant at 2:00pm at a spot near her property,  
225 the Plaintiff raised objections immediately and informed the 1<sup>st</sup> Defendant's employees that the blasting of stones close to her property would have negative consequences to her layer chicken, expectant pigs and farm generally. The Plaintiff says the 1<sup>st</sup> Defendant's employees disregarded her request and she went on to notify the 2<sup>nd</sup> Defendant who sent an officer to the ground to address the Plaintiff's concerns. The Plaintiff stated that the 2<sup>nd</sup> defendant sent an officer to the  
230 site. The officer informed her after Interaction with the 1<sup>st</sup> Defendant's employees that he could not stop the blasting and that the blasting took place that evening and destroyed her crops and houses on the farm; and subsequently the Plaintiff's pigs had up to 49 still births and her hens suffered low productivity of eggs.

I have already established that the 1<sup>st</sup> Defendant admits to have carried out blasts on the 29<sup>th</sup>  
235 July, 2016. Considering all the effort that the Plaintiff put in to try and stop the 1<sup>st</sup> Defendant from carrying out blasts close to her farm, I would find that there was no contributory negligence by the Plaintiff.

**Issue No. 3: Whether the 2<sup>nd</sup> Defendant failed in its statutory duties as enshrined in the law in relation to the land at Buntaba Village in Mukono District**

240 Counsel for the Plaintiff relied on the National Environmental Act, Cap 153 as the applicable Law in this case. He explained that the long title of the NEA, Cap 153 and S. 2(2)(a), S. 3(1) & (3), S.5 and S. 6 (i) & (ii) enjoin the 2<sup>nd</sup> Respondent to supervise, coordinate and monitor all activities that have great consequences or effects on the environment. That in this case, the 2<sup>nd</sup> Defendant exercised this duty by issuance of the certificate of approval of Environmental Impact  
245 Assessment under S. 19, 20 and 26 of the NEA and regulation 26 of the National Environmental



(Environmental Impact Assessment) Regulations SI 153-1 and ensuring that the conditions set out in the certificate of Approval of Environmental Impact Assessment are adhered to.

Counsel submitted that the 2<sup>nd</sup> Defendant failed in his duties to regulate, monitor and supervise the 1<sup>st</sup> Defendant's activities as seen in Exhibits D1 and D4. That the 2<sup>nd</sup> defendant left the 1<sup>st</sup> Defendant to carry out blasts on his land as he deemed fit, leaving him to cause a gross nuisance on the Plaintiff's farm by damaging her houses and other property. That the Plaintiff's pigs also suffered still births and the poultry suffered low productivity in laying eggs. That the plaintiff suffered all the above because the 2<sup>nd</sup> Defendant failed to restrain the 1<sup>st</sup> Defendant from carrying out the blasts even after the Plaintiff notified the 2<sup>nd</sup> Defendant well ahead of time before the blasts went off. Counsel prayed that this court finds that due to its failure to act when called upon by the Plaintiff, the 2<sup>nd</sup> Defendant failed in the duties bestowed upon it by Law and as such, it is culpable for the injuries that the Plaintiff suffered due to its failure to regulate, monitor and supervise the 1<sup>st</sup> Defendant.

In reply, Counsel for the 1<sup>st</sup> Defendant submitted that the 2<sup>nd</sup> Defendant acted within the law. That this is why there were no complaints from the community before the Plaintiff's complaint of July, 2015 and yet the 1<sup>st</sup> Defendant was carrying out blasts in the area. That Exhibit D4 was issued following a complaint by the Plaintiff and as such, the 2<sup>nd</sup> Defendant did not fail to execute its legal mandate.

### **Analysis**

Under the NEA, Cap 153, the 2<sup>nd</sup> Defendant is charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country. In execution of its functions in the area of quarrying, the 2<sup>nd</sup> Defendant, must ensure that quarrying activities are governed by principles, laws, and regulations that quarry owners must adhere to. In this case, the 2<sup>nd</sup> Respondent granted the 1<sup>st</sup> Respondent a certificate of approval of Environmental Impact Assessment to operate a quarry with specified conditions.

In 2016, the plaintiff notified the 2<sup>nd</sup> Defendant that the 1<sup>st</sup> Defendant intended to carry out blasts too close to her farm and that if not retrained, she was likely to suffer loss. The 2<sup>nd</sup> Defendant sent an officer to the ground but he was not able to restrain the 1<sup>st</sup> Defendant and as a result, the Plaintiff suffered loss. On the 22<sup>nd</sup> August, 2016, the 2<sup>nd</sup> Defendant issued the 1<sup>st</sup> Defendant with an improvement notice on grounds that its quarry operations were in violation of the conditions

of approval issued to it on the 2<sup>nd</sup> March, 2007. The 2<sup>nd</sup> Defendant then directed the 1<sup>st</sup> Defendant to immediately comply with its directives and that failure of which the 1<sup>st</sup> Defendant would be prosecuted.

In cross examination, Kayongo Ismail, Director of the 1<sup>st</sup> Defendant informed court that the 1<sup>st</sup> Defendant has not carried out blasts in the area since the 29<sup>th</sup> July, 2016 because they are yet to submit a report to the 2<sup>nd</sup> Defendant. This was confirmed by Ms. Prossy Khanzira, the Environmental Assessment Officer from the 2<sup>nd</sup> Defendant who informed court that when she visited the site in 2021, to follow up on the complaint of 2016, she found the site abandoned. That the 1<sup>st</sup> Defendant was not operating and the Plaintiff's farm was abandoned.

In view of the above, I would find that the 2<sup>nd</sup> Defendant did not fail in its statutory duties as enshrined in the law and as such it is not culpable for any wrong in this case.

#### **Issue No. 4: Remedies available to the parties**

The Plaintiff sought for Ugshs. 73,400,000/- in special damages. She also sought for a declaration that the activities of the 1<sup>st</sup> Defendant constitute a nuisance, she sought for a permanent injunction restraining the Defendants and their agents from repeating or continuing the said nuisance or any nuisance of a like kind, general damages, punitive damages, interest and costs of the suit.

#### **Special damages**

In *Capco (U) Ltd –v- A.S. Transporters (U) Ltd CACA No. 18/2004*, court noted that: -

*“Special damages must be specifically pleaded and proved, but that strictly proving does not mean that proof must always be documentary evidence. Special damages can also be proved by direct evidence; for example, by evidence of a person who received or paid or testimonies of experts conversant with the matter.”*

In *Haji Asuman Mutekanga – v - Equator Growers(U) Ltd, SCCA No.7/1995*, it was held that;

*“special damages and loss of profit must be specifically pleaded, they must also be proved exactly, that is to say, on the balance of probability.”*

In this case, the plaintiff pleaded special damages in paragraph 6 of her plaint. Exh. P.3 of the trial bundle shows the number of piglets that the Plaintiff lost through still births arising out of the 1<sup>st</sup> Defendant's blasts. Exhibit P.4 shows the loss that the Plaintiff suffered on the 21<sup>st</sup> July, 2015 and the loss suffered on the 29<sup>th</sup> July 2016. This is also stated in paragraph 30 of the

Plaintiff's witness statement. In the circumstances, I find no reason to doubt that the Plaintiff suffered special damages as pleaded and proved. I award the Plaintiff special damages as prayed for.

### **General damages**

310 In the case of *Luzinda –v- Ssekamatte & 3 Ors HCCS No.366 of 2017*, court noted that;  
*“it is trite law that general damages are awarded in the discretion of court. Damages are awarded to compensate the aggrieved, fairly for the inconveniences accrued as a result of the actions of the defendant. It is the duty of the claimant to plead and prove that there were damages, losses or injuries suffered as a result of the defendant's actions.”*

315 In this case, the Plaintiff informed court that she closed her business because of the 1<sup>st</sup> Defendant's nuisance. Ms. Prossy Khanzira, the Environmental Assessment Officer from the 2<sup>nd</sup> Defendant informed court that when she visited the Plaintiff's premises, she found the place abandoned. This confirms to me that the Plaintiff actually closed her business. The Plaintiff projected her lost income as a result of closure of her business at Ugshs. 200,000,000/- I find  
320 Ugshs. 10,000,000/- reasonable as general damages for the Plaintiff's lost business.

### **Punitive damages**

Punitive, also known as exemplary damages are awarded to punish, deter and/or express outrage of court at the Defendant in cases where he has acted in a highhanded, malicious, vindictive and/or oppressive manner to the Plaintiff. They generally focus on the defendant's  
325 misconduct and not the injury or loss suffered by the plaintiff.

In the case of *Obongo –v- Municipal council of Kisumu [1971] EA 91*, court noted that;  
*“exemplary damages are completely outside the field of compensation and although the benefit goes to the person who was wronged, their object is entirely punitive”.*

In this case, the Plaintiff informed court that she protested to the Defendants before the blasts went off. That the 2<sup>nd</sup> Defendant sent its officer to the site but the officer after visiting the site,  
330 told the Plaintiff that he could not stop the blasts. My understanding is that once the blast system was set, the Defendants lacked capacity to stop it. Which in my view, does not amount to impunity. Therefore, I find no basis for awarding punitive damages against the 1<sup>st</sup> Defendant.

## Interest

In *Premchandra Shenoï & Anor -v- Maximov Oleg Petrovich, SCCA No. 9 of 2003*, court noted that;

340 *“The basis of awards of interest is that the defendant has taken and used the plaintiff’s money and benefited. Consequently, the defendant ought to compensate the plaintiff for the money.”*  
In the instant case, the Defendant has not taken and or used the Plaintiff’s money for their benefit.

## Costs

345 Section 27(2) of the Civil Procedure Act provides that the award of costs is in the discretion of court and costs of any action shall follow the event unless for good reasons court directs otherwise.

In *Francis Butagira -v- Deborah Mukasa SCCA No.6 of 1989*, it was held that a successful party should not be deprived of costs except for good reasons.

350 In *Iyamulemye David –v- Attorney General SCCA No. 04 of 2013*, Court noted that;  
*“the award of costs is in the discretion of court, the award of costs must follow the event, unless the court for good reason orders otherwise. Just like any other discretion, it must of course be exercised judicially and not arbitrarily, otherwise, an aggrieved party is free to challenge the court’s decision by way of an appeal.”*

355 In *Kwizera Eddie –v- AG SCCA No.1 of 2008, Lilian Ekirikubinza, JSC, noted that: -*  
*“the phrase costs follow the event means that ‘an award of costs will generally flow with the result of litigation; the successful party being entitled to an order for costs against the unsuccessful party. In other words, the general rule is that a successful party will be awarded costs.”*

360 The plaintiff was compelled to file this suit after the Defendant failed and/or ignored to settle her case and yet other people’s claims in the neighborhood were settled. That in my view, renders this a proper case for award of costs to the plaintiff.

## Decision

In the final result therefore, judgement is entered for the Plaintiffs in the following terms;

- 365 1. It is hereby declared that the 1<sup>st</sup> Defendant’s blasts and excavations caused a nuisance on the Plaintiff’s farm.

2. The 1<sup>st</sup> Defendant be and is hereby ordered to pay the Plaintiff Ushs. 73,400,000/- (Seventy three million four hundred thousand Uganda shillings only) as special damages.
3. The 1<sup>st</sup> Defendant be and is hereby ordered to pay the Plaintiff Ushs. 10,000,000/- (Ten million Uganda shillings only) as General damages.
- 370 4. A permanent injunction be and is hereby issued restraining the 1<sup>st</sup> Defendant, its employees, agents and any one acting under it from carrying out blasts and excavations in a manner that constitutes a nuisance in its neighborhood.
5. The 1<sup>st</sup> Defendant pays costs of this suit

I so order.

375 Dated signed and delivered by mail at Kampala this 2<sup>nd</sup> day of November, 2023.

Esta Nambayo

JUDGE

380 2<sup>nd</sup>/11/2023