

**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA AT KAMPALA**

**(EXECUTION AND BAILIFFS DIVISION)**

**MISCELLANEOUS APPLICATION NO. 705**

**(ARISING FROM HCCS NO. 246 OF 1998)**

**THE JUDICATURE (JUDICIAL REVIEW) RULES, 2009**

**COMBINED PROPERTIES LTD .....APPLICANT**

**VS**

**1. HP GAUFF INGENIEURE GMBH & CO.**

**2. HIMA CEMENT (1994) LTD.**

**3. UGANDA LAND COMMISSION .....RESPONDENTS**

**BEFORE LADY JUSTICE FLAVIA SENOGA ANGLIN**

**RULING**

This application made under r 5(1) of the Judicature (Judicial Review) Rules, 2009, seeks court's order granting the Applicant extension of time within which to apply for an order of mandamus against the Secretary to the Treasury.

The grounds for the application are set out in the notice of motion and there is a supporting affidavit sworn by Evaristo Mugabi, a Director of the Applicant Company.

The application was called for hearing on 26.04.16. Counsel submitted that the application was an ex parte application. And that the order of mandamus is supposed to be applied for within three months from the date of judgment.

In this case, Counsel contended the judgment was delivered on 29.01.15 and all efforts to get it satisfied had proved futile and hence the application could not be made within the prescribed time.

Relying on the affidavit in support and grounds in the application, Counsel applied for the application to be allowed.

- 5 Under r 3(1) Judicature (Judicial Review) Rules, an order of mandamus shall be made by way of an application for Judicial Review in accordance with the rules.

Under r 5 \_ and application for Judicial review shall be made promptly and in any event within three months from the date when the grounds of the application first arose, unless the  
10 court considers that there is **good reason for extending the period within which the application** shall be made.

The judgment sought to be executed against the Attorney General was delivered on 29.01.15.

- 15 According to the Applicant, the Judicial Creditor has been negotiating for settlement of the decretal sum since then to no avail.

The Bill of Costs has also not yet been taxed.

- 20 In the meantime the time for applying for mandamus expired and the Applicant who would like to get the fruits of the decree made this applications.

The application being an ex parte one and the Applicant having shown good reason as to why the application was not made in time, finds it just and reasonable to extend the time within  
25 which the application for mandamus should be made.

The application is accordingly allowed and the time extended.

- 30 The Applicant to file the application for order of mandamus within two weeks from the date of this ruling.

**FLAVIA SENOGA ANGLIN**

**JUDGE**

**29.04.16**