

1.2 . In that regard, I directed both counsel to file written submissions together the authorities in support of their respective arguments. Both Counsel gracefully complied with my directions.

2. Submissions by Counsel

2.1 Counsel for the 2nd defendant, Mr. Bwambale of Bwambale, Musede & Co. Advocates submitted at length in support of his assertion that he is the rightful advocate for the 2nd defendant. He cited authorities in support of his case.

2.2 On the other hand, Mr. Mugoya of Mugoya, Kyawa & Co. Advocates rubbished the submissions by Counsel for the 2nd defendant. He asserted in his submissions that he has instructions to represent the 2nd defendant in this suit. He, too, cited authorities in support of his claims.

3. Resolution of the matter by Court

From the submissions by both Counsel there is a big dispute as between the two Firms of Advocates and the people who constitute the Abalema United Efforts (the 2nd defendant).

On the Court record, there is a notice of joint instructions given by Abalema United Efforts to M/s Bwambale, Musede & Co. Advocates. Further, from the record of the Court, its M/s Bwambale, Musedde & Co. Advocates who all along have been representing the 2nd defendant (Abalema United Efforts).

Consequent to the above, I have perused the record and I have not seen any notice of change of advocates filed by Mugoya, Kyawa & Co. Advocates to

show that Mr. Mugoya has instructions to represent in Court the 2nd defendant (the Abalema United Efforts). Without the notice of change of Advocates filed on Court record, Mr. Mugoya would not have any audience in this Court. As a lawyer, I hoped Mr. Mugoya would not have insisted that he has instructions to represent in Court the 2nd defendant (the Abalema United Efforts) in this suit, whereas not.

To the extent of all the above, I make a finding that M/s Bwambale, Musede & Co. Advocates is the recognized Law Firm representing the 2nd defendant in these proceedings and the entire suit. Mugoya, Kyawa & Co. Advocates have no *locus standi* to appear for the 2nd defendant in this suit. In that regard the claims by Mugoya, Kyawa & Co. Advocates are accordingly dismissed with costs.

4. However, before I take leave of this matter I have found befitting for me to make comments and observations arising from the submissions by both Counsel:-

4.1 According to Mugoya of Mugoya, Kyawa & Co. Advocates, M/s Bwambale, Musede & Co. Advocates represents The Disabled (Abalema) United Efforts, (see the Memorandum and Articles of Association annexed to the submissions by Bwambale, Musede & Co. Advocates marked “B”). The Disabled (Abalema) United Efforts is a registered company with the following shareholders:

1. Kakobo Kadene
2. Geoffrey Katumba
3. Karim Wasswa.
4. Jonathan Lubega

It is a company which is “unlimited”.

On the other hand, Mugoya, Kyawa & Co. Advocates represents Abalema United Effort which is an Association with a Certificate of registration valid from March, 2013 to March, 2014. From the number of the members who turned up in Court to listen to the Court proceedings, this Association has more than 18 (eighteen) members (see the list of members attached on the submissions in rejoinder by M/s Mugoya, Kyawa & Co. Advocates). From the nature of the entities as afore described, the many disable people are not shareholders in The Disabled (Abalema) United Efforts (2nd defendant). The aforestated poses a big problem which should be sorted out by either the parties themselves or by Court.

Another interesting area in this matter is the issue of land. In 2008, in reference to the letter from Uganda Land Commission, dated 11th February, 2008 (which is annexure “B” to the submissions by Mugoya, Kyawa & Co. Advocates), the land in dispute under minute ULC 13/2008 (a) (664 B) was allocated to Abalema United Effort. Hence, there is a discrepancy as to whether the suit land was allocated to Disabled (Abalema) United Effort or Abalema United Efforts Association as indicated in annexure “C” to the submissions by Mugoya, Kyawa & Co. Advocates. There is therefore, a need for the two groups to sort out themselves before **the consent judgment between the plaintiff, the Uganda Land Commission and the 2nd defendant (Abalema United Efforts) being disputed by the group allegedly being represented by Mugoya, Kyawa & Co. Advocates is signed and sealed with the seal of this Court.**

Otherwise, I reiterate my holding hereinabove that Mugoya, Kyawa & Co. Advocates have no audience in this suit. Their claims to that extent are dismissed with costs to M/s Bwambale, Musede & Co. Advocates.

Dated at Kampala this 6th day of June, 2013.

sgd
Murangira Joseph
Judge