## MA NO. 0671-19-MUHAMMED JJUMBA VS JAVIIRA SEBIITOSI (RULING)

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

**LAND DIVISION** 

MISC.APPLICATION NO. 671 OF 2019

ARISING FROM M.A NO.1398 OF 2018

(ARISING FROM CIVIL SUIT NO.681 OF 2018)

MUHAMMED JJUMBA::::::APPLICANT

**VERSES** 

JAVIIRA SEBIITOSI ::::::RESPONDENT

BEFORE: HON. MR. JUSTICE HENRY I. KAWESA

## **RULING**

Under Section 98 of the Civil Procedure Act, this Court has inherent powers to ensure that justice is done. O.41 r4 of the Civil Procedure Rules empowers this Court to vary a temporary injunction order.

I have looked at the application and the submissions therein. The wording of the order amounts to a final order when it states that;

'the Applicant freely access and quietly enjoy possession of the suit kibanja......'

The suit kibanja is in dispute and both parties claim they are in possession. Without a determination of the final suit, such an order is deemed to amount to a final order.

This Court is aware that the purpose of a temporary injunction is to preserve the *status quo* as it is before the suit is finally determined. If it is a kibanja, then whoever is on it with

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whatever is utlised thereon as at the time of the suit is what is preserved from alienation or waste.

I will therefore vary the order by ordering that both parties 'maintain the status quo of the suit property as it was' at the time of the suit.

There should be no waste, alienation, disposal or destruction of the subject matter both by the Applicant or the Respondent or their agents until the final determination of this suit.

The application is allowed only in the terms as above.

Each party to bear its own costs of this application.

I so order.

Henry I. Kawesa

**JUDGE** 

29/08/2019

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<u>29/08/2019</u> :
Kangaho for the Respondent.
Respondent present.
Applicant absent.
Court:
Ruling delivered to the parties above.
Henry I. Kawesa
JUDGE
29/08/2019