

**THE REPUBLIC OF UGANDA**

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

**(LAND DIVISION)**

**MISCELLANEOUS APPLICATION NO.1170 OF 2021**

**(ARISING FROM MISCELLANEOUS APPLICATION NO.1169 OF 2021)**

**(ALL ARISING OUT OF CIVIL SUIT NO.600 OF 2021)**

**KIBUUKA NATHAN:.....APPLICANT**

**VERSUS**

**MUBIRU JUMA:.....RESPONDENT**

**Before Hon. Justice Alexandra Nkonge Rugadya.**

**RULING.**

This *ex parte* application was brought under **Section 98 of the Civil Procedure Act Cap. 71** and **Order 52 rules 1 & 3 of the Civil Procedure Rules S.I 71-1** for orders that a certificate of urgency doth issue to hear the Applicant's application for a temporary injunction vide **Miscellaneous Application No.1169 of 2021** and that costs of this Application be in the cause.

The grounds of the application are contained in the affidavit in support of **Mr. KIBUUKA NATHAN** wherein he states that on 1<sup>st</sup> January 2020, he purchased land comprised in **Block 7 Plot 1509 Katwe Ring Road village A Makindye Sabagabo Division** from the respondent at **Ugx. 250,000,000/= (Uganda Shillings Two Hundred Fifty thousand only)**, which he paid in full.

Further, that to the Applicant's shock, the Respondent through his attorneys is seeking to evict the applicant from the suit land, which he has since developed. That he is currently carrying out business on the premises and that the threats of eviction are frustrating his efforts.

That the application for a temporary injunction vide **Miscellaneous Application No.1169 of 2021** wherein the applicant seeks to restrain the respondent from disposing of the suit land, is extremely urgent in nature and deserves to be heard soonest since the Applicant stands to lose his proprietary interest in the suit land with the threatened sale. That the said application cannot be presently heard since court hearings and appearances were suspended following the guidelines of

the Chief Justice and that the applicant is likely to suffer irreparable damage if a certificate of urgency is not issued for this court to hear the application for a temporary injunction.

I have carefully read and considered the pleadings, evidence and brief submissions of counsel for the applicants the details of which are on court record and the contents of which I shall not reproduce herein.

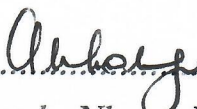
Counsel for the Applicant argued that there is imminent danger given the fact that the Applicant paid the full purchase for the suit land which he occupies and that he is threatened with an eviction through the Respondents attorneys who gave him only 14 days to vacate the suit premises. Counsel further highlighted the fact that the applicant was made aware of the termination of the sale agreement on 25<sup>th</sup> June 2021 during the lockdown.

In the circumstances, I find that the Applicant has successfully demonstrated that this matter constitutes an urgency and that there is a need for the applicant to be afforded a hearing of the application during the lock down.

In result, a certificate of urgency is issued to hear *Miscellaneous Application No. 1169 of 2021* during the lockdown.

Costs will be in the cause.

I so order.

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*Alexandra Nkonge Rugadya.*

*Judge*

*1<sup>st</sup> July 2021.*