

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
LAND DIVISION
MISCELLANEOUS APPLICATION NO. 1291 OF 2020
ARISING FROM CIVIL SUIT NO. 543 OF 2019

1.EMMANUEL MAMBO

2.ASASIRA AZARIUS

3.TUMUHAIRWE ANGEL-----

APPLICANTS

V

DINGKUII DENG GOC AYUEL-----

RESPONDENT

Before: Hon. Lady Justice Olive Kazaarwe Mukwaya

RULING

After perusal of the pleadings and submissions by respective Counsel, I find as follows;

1. The 1st Applicant Emmanuel Mambo swore the affidavit in support of the application in his own capacity and not in a representative capacity. The affidavit was therefore not incompetent as submitted by Counsel for the Respondent.
2. The plaint reveals a cause of action against the Defendants/Applicants. All matters concerning the plaintiff's locus standi and nature of the suit land shall

form part of the issues for resolution by this Court in the main suit. It was thus premature for both parties to make arguments by affidavit and submissions in this regard. And I accordingly shall not make any determination on those arguments at this stage.

- 5 3. For avoidance of doubt, I find that the plaint is not barred by law.
4. Costs of the Application shall be in the cause.

10 **Olive Kazaarwe Mukwaya**

JUDGE

1st February 2021

Delivered by email to Counsel for the Parties.