

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
LAND DIVISION

MISC. APPEAL NO.0018 OF 2019

HOUSING FINANCE BANK LIMITED:.....APPLICANT

VERSUS

PATRICK NUWAGABA:.....RESPONDENT

BEFORE: HON. MR. JUSTICE HENRY I. KAWESA

RULING

This is an application seeking for setting aside a Taxation in TA No. 099 of 2019.

I have looked at the application and supporting affidavit in reply. I have also looked at the submissions. I do find that the main issue is whether the respondent who represented himself is entitled to professional fees.

This issue is settled.

In the persuasive case of *Mwangi versus Invesco Misc. App No. 553/2013* where the Kenyan High Court stated that;

“The Advocate; Mary Nduta Mwangi had elected to represent herself in the matter, there is not distinction between her and any ordinary litigant who chooses not to engage an Advocate... when a party takes it upon himself to file or defend a suit, then he cannot in my humble view ask for costs except the usual

disbursement which he expended, but not instruction fees. In essence, he has not retained anybody to represent him. He is representing himself and the case in form a research and the usual trouble of going through litigation, has been done by himself”

This should have been the approach the taxing master in the case before me should have followed since the Advocates Remuneration Rules apply only to Counsel who is representing a client, not one representing himself.

While I agree with the Applicant’s arguments, I do not agree with the Respondent’s arguments. I find that this finding answers all other areas which I do not find relevant to indulge.

The application is titled Misc. Appeal No.16 of 2019, brought under Section 98 and O.9 r23 of the Civil Procedure Rules.

The application is granted and the taxation award is set aside.

A fresh taxation be conducted by the Deputy Registrar of this division.

Each party to bear its own costs of this application.

I so order.

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Henry I. Kawesa

JUDGE

29/03/2021

29/03/2021:

Patrick Turinawe for the Appellant.

Niwagaba Patrick; Respondent.

Patrick:

This matter is coming up for Ruling and we are ready to receive it.

Court:

Ruling delivered in the presence of the above parties.

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Kakooza Elias

AG. DEPUTY REGISTRAR

29/03/2021