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5 Court on that day directed the plaintiff side to file documents. The plaintiffs were required to file the J.S.M. by 14.6.2021, together with the Trial Bundle and witness statements.

All documents were to be filed on the record by 28/6/2021. The parties were also directed to try and settle the matter and update court on 9/7/2021. However, due to the Covid endemic, the matter did not take off.

10 On 6th May, 2022 the next date fixed for hearing counsel Lutakome appeared in court with his client, the defendant. The 2nd plaintiff, Mayombwe Joseph also attended. But was unrepresented. The matter therefore did not take off.

Mr. Lutakome informed this court that counsel who had personal conduct of the two plaintiffs' case was still on maternity leave and had proposed to send another counsel, but nevertheless
15 failed to do so.

On that day, court took the trouble to remind the parties of its earlier orders made on 28th May, 2021 requiring the filing of the documents; and gave strict warning that should the parties fail to turn up and comply with its orders in order to pursue this matter to its conclusion court would be inclined to dismiss it.

20 The matter was adjourned to 13th May, 2022 for hearing. This court was ready to proceed. It took note that the defence side after failing to get a copy of J.S.M from the plaintiffs had initiated its own, which was also signed by counsel for the plaintiffs.

However, neither the Trial Bundle nor the witness statements were availed by the plaintiffs as court had directed. The defendant on his part filed his bundles in addition to the written
25 statements and draft J.S.M.

Counsel Namusumba attended court, on brief for Ms. Nalubega who had personal conduct of the case for the plaintiffs. She told court however that she was not ready to proceed. The excuse she gave was that she was waiting for certified copies of the title from Land Office and had been promised to check the following week.

30 If she had done her home work, she would have applied for the original title itself which was in the custody of the defendant. Its photo copy had been attached to the documents of the defendant, and had been on record for 3 years, but no action in that direction was taken by the plaintiffs to obtain the same.

The excuses by the plaintiff's side had become numerous. This case having been filed in 2019, it
35 was incumbent upon them to prosecute it. The defendant's side had been vigilant in following up this case and unlike the plaintiff's side, did not miss coming to court.

5 The plaintiffs have not taken any step to show any seriousness in pursuing this case to its conclusion. They failed to comply with the directives of this court issued on 28/5/2022. That was sufficient proof that they had no intention of following up the case to its conclusion.

In the premises, the suit is hereby dismissed under **Section 17 (2) (a) of the Judicature Act, Cap 13.**

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Costs to the defendant.


Alexandra Nkonge Rugadya
JUDGE

15 17/5/2022.

Delivered via Mail^e
Ankonge
17/5/2022