

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MASINDI
MISC. APPLICATION NO. 35B OF 2017
(Arising from Civil Appeal No. 43 of 2016)

KIBAALE DISTRICT LOCAL GOVERNMENT ::::::::::::::: APPLICANT

VERSUS

KAKUMIRO DRIVERS' AGENCY ::::::::::::::: RESPONDENT

RULING

Before: Hon. Justice Byaruhanga Jesse Rugyema

- [1] This application was filed way back on 25/5/2017 and it was fixed for hearing on the 13/3/18 and to 29/11/19 when the application was adjourned for hearing. Since then, neither party has appeared in court with the view to proceed with the Application.
- [2] Today, counsel for the Applicant **Mr. Kamugisha Vincent of M/s Kamugisha & Co. Advocates, Kampala** appeared in court in response to **H.C.M.A No. 93 of 2021**(Arising from Civil appeal No.43/16 and M.A No.35 A/17) wherein he had been served for orders that **Civil Appeal No.43/2016** be dismissed for want of prosecution.
- [3] In the application **H.C.M.A. No.93/21**, neither the applicant nor its Advocate surfaced for the hearing yet the application was fixed at their instance. It was accordingly dismissed for want of prosecution with costs. **Mr. Kamugisha** for the Respondent in that application who is counsel for the Applicant in this instant application, neither alluded to this application nor showed interest in it. He only alluded to it in his submissions in rejoinder in the appeal but still showed disinterest.

[4] In the premises, the logical conclusion from his conduct is that he has lost interest in this application for he only vanished from court without any comment on the same. As a result, this court is entitled to determine this application by way of dismissing it and it is accordingly dismissed for want of prosecution under **O.17 r.5 CPR** (as amended). **M.A No. 35B/2017** arising from this application is overtaken by events.

Dated at Masindi this 7th day of April, 2022.

Byaruhanga Jesse Rugyema

JUDGE.