

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH OF UGANDA AT KAMPALA**  
**(LAND DIVISION)**  
**MISCELLANEOUS CAUSE NO. 0039 OF 2021**

**DAUDI KOLYA:.....APPLICANT**

**VERSUS**

**1. CHRISTINE NANTONGO**  
**2. NAMUDDU MARJORIE**  
**3. COMMISSIONER LAND REGISTRATION:.....RESPONDENTS**

**BEFORE: HON MR. JUSTICE HENRY I. KAWESA**

**RULING**

This is an application by way of Notice of Motion for orders that;

1. A caveat lodged by the Respondents vide Instrument No. **KCCA-U007-0074090 on land** comprised in Block 244 Plot 5198 Kisugu **be vacated.**

The application is opposed by the affidavit in reply of Marjorie Namuddu.

I have looked at the submissions. Under Section 140(1) of the Registration of Titles Act, the law requires that once a caveator files a caveat, the caveator has to show cause why the caveat should not be removed after the statutory period lapses.

In this particular case, the caveator has shown cause that there is a pending appeal as per the notice and application for proceedings referred to by the Respondents. This Court is satisfied that it is premature to vacate the caveate as it is necessary to retain the *status quo* to enable the Court of Appeal to first settle the appeal.

1<sup>st</sup> Defendant pleaded in paragraph 3 of the written statement of defence that they would raise a preliminary objection on the competency of the suit, hence this application.

I do find merit in the application.

It is allowed.

Each party should bear its own costs.

I so order.

.....

Henry I. Kawesa

**JUDGE**

07/02/2022

07/02/2022:

Moses Wacha holding brief for Muwangadu for the Respondent.

Applicant in Court.

Respondent absent.

Counsel for Applicant absent.

Lydia: Court Clerk.

Moses: it is for Ruling.

Court:

Ruling read out in court in the presence of the parties present.

Sgd:

Ayo Miriam Okello

**DEPUTY REGISTRAR**

07/02/2022