

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(LAND DIVISION)
MISCELLANEOUS APPLICATION NO. 0799 of 2022
ARISING OUT OF CIVIL SUIT NO. 0081 of 2022**

BAGUMA GEOFFREY:..... APPLICANT

VERSUS

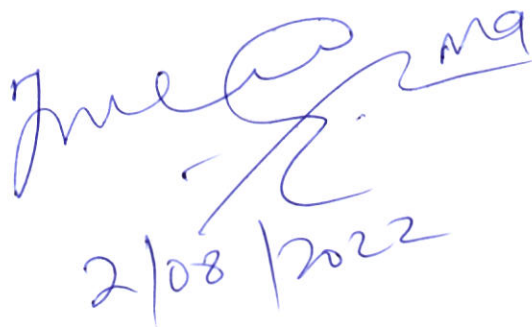
**NILITA PAUL:..... RESPONDENT
(*Suing through her Lawful Attorney SARITA ALAM*)**

BEFORE: HON. JUSTICE JOHN EUDES KEITIRIMA

RULING

This is an application brought by way of Chamber Summons under **Section 33 of the Judicature Act Cap 13, Section 98 of the CPA Cap 71, Order 7 rules 11(d) and 19 of the CPR, Order 52 Rules 1 and 3 of the CPR.** The applicant is seeking for orders that:-

- (a) The plaint filed by the respondent on the 27th day of January 2022 vide **Civil Suit No. 81 of 2022** be


2/08/2022


struck out for being barred in law and/ or offending

Order 7 Rule 11 (d) of the CPR.

- (b) The respondents' said suit be struck off and dismissed with costs for being incompetent.
- (c) The costs of the application be provided for.

The application is supported by the affidavit of the applicant who deposes inter alia:-


- (i) That the respondent's case offends the provisions of **Order 7 Rule 11(d) of the CPR** and should be struck off/rejected as it is premised on an illegal, invalid and defective Powers of Attorney.


2/08/2022

- (ii) That is fair, just, equitable and in the interests of substantive justice that this application is granted.

In her affidavit in reply **Sarita Alam** the Lawful Attorney of the respondent deposes inter alia:-

- (i) That with the help of her lawyers, she finds the supportive affidavit deposed by the applicant misconceived, misleading, hurriedly filed without due diligence, ill advised, incompetent and lacking in merit and the same ought to be dismissed summarily.
- (ii) That the gist of the application is that the head suit should be struck out with costs since she filed it without first registering the Power of


2/08/2022