

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA
(LAND DIVISION)

MISCELLANEOUS APPLICATION NO. 514 OF 2022
ARISING FROM CIVIL SUIT NO. 487 OF 2018

LUVUTU PAUL KAMYA SALONGO (Suing Through His Lawful
Attorneys Ssemugwe Mandela Isreal & Nazziwa
Sarah):..... APPLICANT

VERSUS

1. MUKWAYA JOSEPH
2. KULE DORIS SIRIWAYO
3. BILL & PAUL AGENCIES LTD:..... RESPONDENTS

BEFORE: HON JUSTICE JOHN EUDES KEITIRIMA

RULING


This is an application brought by Notice of Motion under *Order 52 Rule 1 and 3 of the Civil Procedure Rules SI-71-1 as amended, Section 33 of the Judicature Act Cap 13 and Section 4(2) (c) of the Judicature Amendment Act 2002.*

The Applicant is seeking for orders;

(a) That leave be granted to the Plaintiff to re-open his case and be allowed to tender in all his evidence and call all his witnesses in this suit.

(b) That this Court be pleased to vacate the order closing the Plaintiff's case which was reached prematurely.

(c) That this Court recalls the Defendants and their witnesses for cross examination.


05/08/2022

(d) That this Court does grant any further or consequential order(s) it may deem fit in the circumstances.

(e) Costs of this Application be provided for.

The application is supported by the affidavit of **Ssemugwe Mandela Isreal** the lawful attorney of the applicant in this matter who deposes inter alia;

1. That he filed **Civil Suit No. 487 of 2018** against the respondents/Defendants for trespass and fraud on his land comprised in **Block 82, plots 1096, 3643, 3644 and 3645 land at Kilyamuli.**

2. That he is a kibanja holder on the suit land having been born thereon as well as his parents and that they never entered any agreement with the registered owner to sell the land to the defendants.

3. That court closed his case having only presented one witness during examination in chief though on record over four witnesses intended to give evidence in this matter.

4. That his first lawyer had told him that all would be well but he would never inform him of the status of the case.

5. That his lawyer then informed him that courts were closed because of Covid-19 and that he would inform him when they would resume.

6. That later on he told him that the hearing had started where one witness tendered in his evidence and was accordingly cross-examined. That his lawyer never told him anything again until court informed him to get another lawyer.

7. That another lawyer he got never turned up on the day of hearing and consequently his case was closed on the prayer of the respondents' counsel which was accordingly granted.

8. That by the time his case was closed, his lawyer was not there and he did not tell him what to do.


05/03/2022