

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

MISCELLANEOUS APPLICATION NO.711 OF 2022

(Arising out of Miscellaneous Cause No.105 of 2021)

SSIMBWA RICHARD.....**APPLICANT**

VERSUS

1. **BAMWEYANA CHARLES**

2. **NAKAYENGA BENNAH**

3. **NDAGIRE ROBINAH**

4. **COMMISSIONER LAND REGISTRATION**.....**RESPONDENTS**

Before: Lady Justice Alexandra Nkonge Rugadya.

Amendment/correction of ruling

The applicant filed this application against the respondents seeking among others orders that the 1st – 3rd respondents acted in contempt of court by lodging a caveat on land comprised ***Kyadondo Block 249 plot 1330 land at Bunga***; an order that the said caveat be removed/lapsed by the 4th respondent, compensation general damages and costs of the application.

Upon consideration of the application, this court in its ruling delivered by e-mail on 26th August 2022 agreed with the applicant and found that the 1st -3rd respondents indeed acted in contempt of court orders and directed the 4th respondent to vacate the caveat in issue. Court further awarded ***Ug. Shs. 30,000,000/= (Uganda Shillings thirty million only)*** as compensation.

In addition, this court also stated in an obvious error, that the application had been dismissed with costs to the applicant.

Section 98 of the Civil Procedure Act, allows this court to exercise its inherent powers to make any order it deems necessary to meet the ends of justice and to prevent abuse of court process. Similarly, ***Section 99 of the Civil Procedure Act***, caters for correction/rectification of errors or omissions by court in any judgments, orders, decrees or error arising in them from accidental slip to give effect to the true and express intention of the court. It provides that;

“Clerical or mathematical mistakes in judgments, decrees, or Orders or errors arising from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties,”

In the case of ***Uganda Development Bank Ltd vs Oil Sees (U) Ltd; Supreme Court Miscellaneous Application No. 15 of 1997***, court observed that

“Court has inherent jurisdiction to recall its judgments in order to give effect to its manifest intention or what clearly would have been the intention of the Court had some matter not been inadvertently omitted

A slip order will only be made where the court is fully satisfied that it is giving effect to the intention of the court at the time when judgment was given or in the case of a matter which was overlooked, where it is satisfied beyond reasonable doubt, as to the order which it would have made had the matter been brought to its attention. The applicant must therefore prove that there

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was a clerical or arithmetic mistake in the judgment or any error arising from an accidental slip or omission which did not give effect to the intention of the Court when it passed the judgment.

In the instant case, the court by allowing the application and granting the prayers sought by the applicant by necessary implication meant that the application had been granted, not dismissed and that the applicant was therefore entitled to costs of the application and this was an error amounting to an accidental slip that can be remedied by this court.

Accordingly, the ruling of this court is hereby amended:

1. On page 11 first line, by deleting the statement : ***'The respondents' acts amounted to contempt of court orders'***, and replacing it with:

'The 1st-3rd respondents' acts amounted to contempt of court orders.

2. On page 11, by deleting the words: ***Block 250, plot 1330 land at Bunga*** and replacing it with:
Block 249, plot 1330 land at Bunga.

3. On page 11 deleting the wording which reads: ***'This application is dismissed with costs to the applicant'***, and replacing it with:

'This application succeeds with costs to the applicant.'

I so order.


.....
Alexandra Nkonge Rugadya

Judge

8/09/2022

Delivered by email
8/9/2022

KABEGA, BOGEZI AND BUKENYA ADVOCATES

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KBB/50 /2022

31st August 2022

Thru: The Deputy / Assistant Registrar,
High Court of Uganda at Kampala,
Land division.

Attn: Trial Judge

RE: REQUEST TO CORRECT ERRORS IN THE RULING OF MA NO. 711 OF 2022
(ARISING FROM MC NO. 105 OF 2021) – SSIMBWA RICHARD VS. BAMWEYANA
CHARLES & 3 OTHERS UNDER S. 99 OF THE CIVIL PROCEDURE ACT, CAP. 71,

The above matter refers wherein we represent the Applicant, hereinafter referred to as "our client."

Whereas we received the Ruling of court in the above matter dated 25/8/2022, wherein the Application succeeded, we have noted errors in the ruling on page 11 that we herein below bring to attention of court for correction under S.99 of the Civil Procedure Act, Cap. 71.

1. The first paragraph of page 11 (line 1) reads that "The respondents' act amounted to contempt of court orders"
INSTEAD of
"The 1st – 3rd Respondents' acts amounted to contempt of court orders"
2. The second last paragraph of page 11 (line 8) captures the suit land as Block 250, plot 1330 land at Bunga
INSTEAD of
Block 249, plot 1330 land at Bunga
3. The last line of page 11 reads that "this application is dismissed with costs to the applicant"
INSTEAD of
"this application succeeds with costs to the applicant"

Yours so pray!


KABEGA, BOGEZI & BUKENYA
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Branch Boulevard
Bank Charge 2300.0
Total Amount 11300.0
Amount In Words eleven thousand three
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