

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
[LAND DIVISION]**

**MISC. APPLICATION NO. 760 OF 2021
(ARISING FROM CONSOLIDATED HCCS NO. 164 OF 2017, HCMC
NO. 288/2019, HCMC NO.435 OF 2019 & HCCS NO. 405 OF 2019)**

DAMANICO PROPERTIES LTD:.....APPLICANT

VERSUS

- 1. TUSIIME JOHN KASEREBE**
- 2. JOTUS DEVELOPMENT LTD**
- 3. MOTHER KEVIN WOMEN OPEN UNIVERSITY LIMITED**
- 4. KIWANUKA ANTHONY**
- 5. OCHIENG S.C. PETER:.....RESPONDENTS**

RULING

BEFORE HON. JUSTICE HENRY I. KAWESA

The application seeks order that the amended plaint be expunged for violating the agreed parameters for consolidating the several matter herein.

This is a very strange application. It represents the strange behaviour I have noticed in this matter because ever since this Court took over

these cases, the parties have made it impossible for us to proceed on account of endless ping pong.

The ping pong is worsened by the 3rd respondents who for reasons stated by them on record as of now, have petitioned the Court to have their matter stayed pending other applications by them before Court of appeal.

The Applicants in this particular application now want the plaint to be rejected or in the alternative in their paragraph 4.19, the plaint is to be upheld, they pray that the Plaintiff should be ordered to disclose the value of the subject matter, so that if there and if there are unpaid fees, the same be paid by the Plaintiffs.

In view of the peculiar behaviour of all parties herein as I have alluded to the above, I find the alternative prayer more tenable and practical in these types of circumstances.

I therefore grant the said prayer as prayed for by the Applicant. In the alternative I order that the Plaintiffs do disclose the value of the subject matter and provide evidence that all requisite fees have been paid within 30 days from the date of this Ruling, in order for the

plaint to be taken on record as the basis for the consolidated suit, in lieu of HCCS No. 164 of 2017, NT-MC No.288 of 2019, HCMC No.435 of 2019 and HCT CS No. 405 of 2019.

Costs in the cause.

I so order.

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Henry I. Kawesa

JUDGE

18/02/20221

18/02/2022

Alex Tuhimbise for the Applicant.

Applicant absent.

Tusiime John present; Director for JOTUS

The others absent.

Court: Ruling delivered to the parties above

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Henry I. Kawesa

JUDGE

18/02/2022