

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

**MISCELLANEOUS APPLICATION NO. 121 OF 2019
(Itself arising from High Court Civil Suit No. 282 of 2018)**

**BETWEEN
MILTON OBOTE FOUNDATION LIMITED.....APPLICANT
VERSUS
UGANDA PEOPLES CONGRESS.....RESPONDENT**

BEFORE: HON. MR. JUSTICE HENTY I KAWESA

RULING

This is an application brought by Applicant moving this Court to strike out Civil Suit Number 282 of 2018. This Application was brought under Order 7 Rule 11(d) of the Civil Procedure Rules, Sections 6 and 98 of the Civil Procedure Act Cap 71, Section 33 of the Judicature Act, and Order 52 Rule 1 of the Civil Procedure Rules S.1 71-1. The Application is supported by the Affidavit of Mr. Terence Oyepa.

Facts

The facts as relayed by Counsel for Applicants in their submissions are that the Respondent/Plaintiff filed a Civil Suit against the

Applicant/1st Defendant vide HCCS No. 282 of 2018 for possession of **properties comprised in LRV 689 Folio 11, Plot 8 Kampala Road and LRV 682, Folio 12, Plot 10 Kampala Road and LRV 677, Folio 45, Plot 37/39 Fifth Street Industrial Area Kampala.**

The purported cause of action in Civil Suit 282 of 2018 arose way back in 1964, when Milton Obote Foundation was incorporated as a Company Limited by Guarantee and is more than 12 years ago.

At the time of incorporation of the Applicant/1st Defendant, the Respondent/Plaintiff was not a registered entity and did not have any interest in the Applicant/1st Defendant, either as a Promoter, a Member, a Trust beneficiary or a Director

The Applicant/1st Defendant and Respondent/ Plaintiff are Two (2) separate Legal Entities.

In June 2015, Mr. Joseph Bbosa filed Miscellaneous Cause No. 086 of 2015 at the High Court Civil Division against UPC and the UPC Electoral Commission challenging the process leading to the pronouncement of Hon. James Michael Akena as President elect of UPC.

On the 11th day of December 2015, Justice Yasin Nyanzi delivered judgement in Miscellaneous Cause No. 086 of 2015 in which he made a declaration that the purported election of Hon. James Michael Akena as President of UPC subsequently by the Delegate Conference

was illegal, void, and of no legal consequence for violating the UPC Constitution.

Furthermore, in Civil Appeal No. 20 of 2016 at the Court of Appeal, the learned Justices dismissed the Appeal and re-emphasized that the election of Hon. James Michael Akena as President of UPC was illegal and the decision was never appealed against.

The value of the property in Civil Suit No. 282 of 2018 is worth over Ushs. 160,180,000,000/- (*one hundred sixty billion, one hundred eighty million shillings only*) yet there is no indication of payment of filing fees for a subject matter worth that much.

From the above narration of facts Counsel for the Applicant then raised the following points of law, which in their view have the effect of resolving the entire suit.

Points of Law Raised

1. That , Order 6 rule 28 of the Civil Procedure Rules provides that "Any Party shall be entitled to raise by his or her pleadings any point of law and the point of law shall be disposed of by the Court at or after the hearing". In Paragraph 5 of the Applicants written statement of defence, the Applicant clearly stated that it shall raise a preliminary objection as to the competence of this suit.

2. That Order 6 rule 29 of the Civil Procedure Rules provides that "if, in the opinion of Court, the decision of the point of law substantially disposes off the whole suit, or of any distinct cause of action, ground of defence, setoff, counterclaim, or reply therein, the Court may thereupon dismiss the suit or make such order in the suit as may be just"

3. That Order 7 Rule 11 of the Civil Procedure Rules and the case of **Herbert Walusimbi & (3) Others CACA No. 86 of 2013** provides for instances where a Plaint shall be rejected and they include the following;

(a)Where it does not disclose a cause of action.

(b)Where the relief claimed is undervalued and the Plaintiff, on being required by Court to correct the valuation within a time fixed by Court fails to do so.

(c)Where the relief claimed is properly valued but an insufficient fee has been paid, and the Plaintiff, on being required by Court to pay the requisite fee within a time to be fixed by Court, fails to do so.

(d)Where the suit appears from the statement of the Plaint to be time barred.

(e)Where the suit is showed by the Plaint to be frivolous and vexatious

Counsel then raised the following issues for determination

- (a) Whether the Respondent/Plaintiff has locus standi to institute Civil Suit No. 282 of 2018.
- (b) Whether Civil Suit No. 282 of 2018 in which the Applicant is the 1st Defendant is time barred by law.
- (c) Whether the Respondent/Plaintiff has any interest in the Applicant/1st Defendant either as a Promoter, a Member, a Trust beneficiary or a Director.
- (d) Whether the Respondent/Plaintiff filed Civil Suit No. 282 of 2018 without payment of adequate Court filing fees.
- (e) Whether Milton Obote Foundation and Uganda Peoples' Congress are Two (2) separate Legal Entities.

The Respondent filed an affidavits in reply opposing this application and Counsel for the Respondent specifically made specific arguments in response to the issues raised above. I will refer to theses specific responses in as far as they were presented in answer to each preliminary point of law as argued by both Applicants and Respondents following the order in which they were presented as here below:

**Whether the respondent/plaintiff has *locus standi* to
Institute Civil Suit No. 282 of 2018**

It was argued for the Applicant that "*the term locus standi literally means a place of standing as per the case of Dima Dominic Poro Versus Inyani and another Civil Appeal No. 0017 of 2016. It means a right to appear in Court, and conversely, to say that a person has no locus standi means that he has no right to appear or be heard in specified proceeding*".

Also *Njau and Others Versus City Council of Nairobi [1976-1985] 1 EA 397 at 407* where the Court noted that;

"To say that a person has no locus standi means the person cannot be heard, even on whether or not he has a case worth listening to."

It was argued by Applicants that the leadership of the Respondent under Hon. James Michael Akena was declared null and void and therefore they have no locus to file this suit. It was submitted that the faction led by Hon. James Michael Akena does not have the mandate/ *locus standi* to file the suit on behalf of the UPC Party. They referred to in Paragraph 6 of the Affidavit in Support of the Application sworn by Terrence Oyepa wherein he stated that "on the 11th day of December 2015 Justice Yassin Nyanzi delivered Judgement in Miscellaneous Cause No. 86 of 2015 in which he made a declaration that the election of Hon. James Michael Akena as President of UPC subsequently by the Delegates Conference was illegal, void and of no legal consequence for violating the UPC Constitution". They argued that this is further supported by Annexures A and B of the Affidavit in support of this Application which are the Court judgement and

decree respectively. They pointed out that this same fact was reiterated in Paragraph 10 (a) of the Affidavit in rejoinder sworn by Terence Oyepa and supported by Annexure RI in the Affidavit in rejoinder

According to Counsel for the Applicant in Paragraph 12 of the Affidavit in support of the Application sworn by Terence Oyepa, he stated that "*the Secretary General of UPC Rev. Fr. Jacinto Deusdedit Ogwal wrote to the Applicant stating that the UPC Cabinet does not have any problems with Milton Obote Foundation and that the UPC Cabinet had not passed any Resolution for UPC to take possession and management of the suit properties*". This is supported by Annexures F and G of the Affidavit in Support of the Application. ,

Counsel further argued that the learned Justices of the Court of Appeal in Civil Appeal No. 20 of 2016 furthermore dismissed the Appeal and reemphasized that the election of Hon. James Michael Akena as President of UPC was illegal and the decision was never appealed against to date. Counsel referred to Paragraph 10 (c) of the Affidavit in Rejoinder sworn by Terrence Oyepa as well as Annexure marked "RK" in the Affidavit in Rejoinder which is the decree from the Court of Appeal.

Therefore it was Counsel for the Applicant's submission that In light of the above Court decisions the faction led by Hon. James Michael Akena does not have the mandate/ *locus standi* to file this suit on

behalf of the UPC Party. They therefore prayed that this issue be resolved in the negative.

In reply Counsel for the Respondents argued that the Respondent filed an affidavit in reply sworn by Hon. James Michael Akena which contains the Respondent's evidence in opposition of the Applicant's application and the grounds thereof were adopted as read for purposes of their submissions

Counsel for the Respondent referred to the Applicant's arguments that the head suit No. 282 of 2018 was filed by the faction of UPC led by Hon. James Akena who has no locus standi to file the suit on behalf of UPC and in reply to this allegation submitted that this is an issue that cannot be determined without calling evidence. They pointed out that this is not a pure point of law as envisaged under Order 28 and 29 of the Civil Procedure Rules.

It was Counsel for the Respondents submission that the suit is properly before Court and the same cannot be dismissed on grounds that it was filed by a person apparently declared to have been illegally elected a party president. They argued that the Applicant's allegations that the faction of the Respondent led by James Micheal Akena *locus standi* is misconceived on the basis that Hon. James Micheal Akena has not ceased to be a Member and President of the Respondent and the application for alleged contempt brought against him purporting to challenge his presidency was dismissed by the Court of Appeal. The appointment of the Late Bbosa as interim party

president of the Respondent were overtaken by events and rendered inconsequential. (*See; Paragraphs 18(a), 19 of the Affidavit in Reply*).

Without prejudice to the above, it was further submitted by Counsel that whereas the Presidency of the party was challenged in Court of Appeal, the membership of the party by Hon. James Micheal Akena was never challenged and also his membership of the Applicant was maintained by High Court. (*See; paragraph 17(e), 18(a-d) of the affidavit in rejoinder*).

It was therefore contended that the UPC constitution enjoins the party members to defend, and uphold the supremacy of the constitution. In the same context, some of the rights of the members are to participate, in the activities, formulation and implementation of the party policies. Implementation of the party policies includes promoting the intention of the formation of the Applicant which was to among others act as a financial wing of the Respondent. In the opinion of Counsel it was thus right and legal for Hon. James Micheal Akena to cause the filing of the head suit by the Respondent. Counsel therefore prayed that this issue should be resolved in the negative.

In rejoinder Counsel for the Applicant reiterated their earlier arguments emphasizing that the issue is straight forward and there is no need to call evidence. Counsel pointed out that The Court decisions in the High Court and Court of Appeal on the election of Hon James Akena have clearly stated that his election as Party President was illegal. Counsel referred Court to the cases of **Kisumu Quarries Ltd. versus Administrator-General [1999] 1 EA.** (CORAM:

ODER, KAROKORA, *Mulenga, Kanyeihamba and Mukasa Kikonyogo DCJ*) *Mukasa Kikonyogo*; JJSC at page 169 to 170 and **Mistry Amar Singh versus Kulubya [1963] 3 ALLER, Lord Morris of Borth-y-Gest at page 504** (Coram: Viscount Radcliffe, Lord Morris of Borth-y-Gest, Lord Guest, Lord Pearce & Sir Kenneth Gresson) found that;

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“No Court ought to enforce an illegal contract or allow itself to be made the instrument of enforcing obligations alleged to arise out of a contact or transaction which is illegal, if the illegality is duly brought to the notice of the Court, and if the person invoking the aid of the Court is himself implicated in the illegality”. It matters not whether the Defendant has pleaded the illegality or whether he has not. If the evidence adduced by the Plaintiff proves the illegality the Court ought not to assist him”.

Counsel further re-joined that based on the above, there is no need to call evidence for this issue. Counsel contended that the fact that his election was illegal automatically puts in question his *locus* to institute this suit which is very straight forward without need to call evidence and that this Court has already taken judicial notice of those Court decisions. Further contention in rejoinder was that In order to determine this application, the Honourable Court does not need a full trial. Counsel therefore argued that, this application involves points of law which can be determined first without waiting for the full hearing which in any case is a waste of Courts valuable time.

It was re-joined further that the Respondents submission that Hon James Micheal Akena has not ceased to be a member and President of UPC and that the application for alleged contempt was dismissed by the Court of Appeal, and that the appointment of the late Bbosa as interim President was overtaken by events, Counsel for the Applicants pointed out that Hon. James Akena is not the President of the Respondent as was held in Miscellaneous Cause No. 86 of 2015 and Court of Appeal in Civil Appeal number 20 of 2016.

Counsel argued that since the Respondents did not adduce any substantial evidence to rebut the legitimacy of the Court decisions that declared Hon. James Akena's election as Party President of the Respondent illegal; and yet James Michael Akena did not appeal the above said Court of Appeal decision, it meant that at the time the suit was filed, Hon James Akena had no locus to file this suit and still has no Locus.

Counsel also pointed out that the said ruling on the said contempt of Court Application as brought up by the Respondent was fraudulently obtained and is under appeal in the Supreme Court in the case of **Prof. Edward Kakonge versus UPC, UPC Electoral Commission & James Akena Civil Appeal No. 34 of 2001** as is evidenced in Paragraph 21 of the Affidavit in Rejoinder of Terence Oyepa and annexure RAB.

They also argued that the submission by the Respondent that the appointment of the late Bbosa as interim President was overtaken by events is purely misguided as in Paragraph 21 (d) of the Affidavit in

rejoinder by Terence Oyepa, he stated that "*UPC Party President Mr. Joseph Bbosa delegated powers of UPC President to Mr. Walubiri Peter on January 24th 2019*" and this evidence is supported by Annexure RAF in the Affidavit in Rejoinder which is the copy of the letter of Delegation of Powers.

In further rejoinder Counsel stated that in Paragraph 21 (f), (g) and (h) of the Affidavit in Rejoinder of Terrence Oyepa, the Court of Appeal ordered members of UPC to conduct nominations and elect a President in conformity with the provisions of the UPC Constitution which was done and Mr. Walubiri was elected Party President. And that the current Party President according to the UPC Constitution is Mr. Peter Walubiri as per Annexures RAG and RAH of the Affidavit in rejoinder of Mr. Terrence Oyepa.

Regarding the Respondent's submission on page 2 of his submissions that whereas the Presidency of the Party was challenged in Court of Appeal, the membership of the Party by Hon. James Michael Akena was never challenged and that his membership was maintained by the High Court. The Applicants Counsel argued that even if James Akena is a member of UPC, he has no right to institute a suit in the name of the Party. They averred that this is the equivalent of any Shareholder filing a suit in the name of a Company.

In their further submission in rejoinder Counsel insisted that The UPC Cabinet had never passed a resolution to take the Applicant to Court and this as argued in Paragraph 23 of the Affidavit in rejoinder

and Annexures AH and RAI in the Affidavit in rejoinder. Counsel reiterated the argument that Hon. James Michael Akena is not a member of the Applicant and referred to Paragraph 19 of the Affidavit in Rejoinder and the list of current members of the Applicant which is attached to the Affidavit in Rejoinder; and pointed out the fact that the Applicant appealed against the whole decision of Honourable Lady Justice Henrietta Wolayo in Company Cause No. 44 of 2017 as stated in Paragraph 20 of the Affidavit in Rejoinder of Terrence Oyepa.

Counsel for the Applicant therefore reiterated their earlier submission that the faction led by Hon. James Michael Akena is illegal, and does not have the mandate/locus standi to file the current suit.

Resolution

In Paragraph 5 of the Applicants written statement of defence, the Applicant pleaded that it shall raise a preliminary objection as to the competence of this suit. The law governing preliminary points of law is provide for under Order 6 rule 28 of the Civil Procedure Rules, which provides that *"Any Party shall be entitled to raise by his or her pleadings any point of law and the point of law shall be disposed of by the Court at or after the hearing"*.

It is further provided for under Order 6 rule 29 of the Civil Procedure Rules that *"if, in the opinion of Court, the decision of the point of law substantially disposes off the whole suit, or of any distinct cause of*

action, ground of defence, setoff, counterclaim, or reply therein, the Court may thereupon dismiss the suit or make such order in the suit as may be just"

This position has been espoused in the case of **Mukisa Biscuit Manufacturing Co. Ltd versus West end Distributors Ltd (1969)**

Also according to Order 7 Rule 11 of the Civil Procedure Rules it is provided that a Plaint shall be rejected where it does not disclose a cause of action: The following are the grounds provided for that Court has to look out for in such a scenario:

- Where the relief claimed is undervalued and the Plaintiff, on being required by Court to correct the valuation within a time fixed by Court fails to do so.
- Where the relief claimed is properly valued but an insufficient fee has been paid, and the Plaintiff, on being required by Court to pay the requisite fee within a time to be fixed by Court, fails to do so.
- Where the suit appears from the statement of the Plaint to be time barred.
- Where the suit is showed by the Plaint to be *frivolous* and *vexatious* (see case of Herbert Walusimbi & (3) others CACA No. 86 of 2013).

This Court will therefore examine the preliminary points of law raised and examine them to find out if they contain any viable iota of truth to satisfy the criteria laid out above.

I have examined all the pleadings and reviewed the submissions above and I do find as follows regarding this issue. To begin with this Court takes judicial notice of the fact that there are several completed matters that have been determined by other Courts before me which decisions involved the parties before me in pursuit of determinations whose outcomes in a way affected the rights and interests of these same parties in this suit. These cases are listed in the Applicant's submissions and pleadings respondent to by the Respondents as well in reply. I will refer to the crucial ones as herebelow:

Miscellaneous Cause No. 086 of 2015 at the High Court Civil Division filed In June 2015, by Mr. Joseph Bbosa against UPC and the UPC Electoral Commission challenging the process leading to the pronouncement of Hon. James Michael Akena as President elect of UPC. In this case the record shows that on the 11th day of December 2015, Justice Yasin Nyanzi delivered judgement in which he made a declaration that the purported election of Hon. James Michael Akena as President of UPC subsequently by the Delegate Conference was illegal, void, and of no legal consequence for violating the UPC Constitution. This decision was appealed to the Court of Appeal. Indeed on the 24th of January 2020 when the matter was called for hearing, this Court was informed that hearing had been stayed pending the outcome of the appeal which would affect how this suit was to proceed thereafter. It has now transpired that the Court of Appeal has since dismissed the appeal and re-emphasized that the election of Hon. James Michael Akena as President of UPC was illegal.

Counsel for the Applicant alleged that this decision was never appealed against. Counsel for Respondents did not rebut this inference in their reply. The import of all this is the fact that the Applicant is insinuating lack of *locus standi* and illegality arising from the nexus between the plaintiff who sued as UPC and JIMMY AKENA who is named by it as its current party president, yet Court has already ruled that the processes that were used to achieve the purported party designation were illegal, *null* and *void*.

Counsel for the Respondent argued that the said matters require evidence and cannot be tried as preliminary points of law. I do not agree with that position. This is because these matters were specifically pleaded and laid out in the written plant and in the statement of defence. Looking at the averments in the complaints under paragraphs 1,4,6,7,15,16,17,18,21,22,23 there is specific reference to activities allegedly committed against the elected party president Jimmy Akena from 2015 to date which are the basis of the breaches being majorly complained of.

The WSD in response specifically addresses the same allegations in paragraphs 5,6,43, and 45. These paragraphs specially mention the fact that the matters of the UPC elections of Jimmy Akena have been determined by Court and declared a nullity. It is upon this understanding of the facts that the Applicants draws the attention of this Court to issues of *locus standi* as to the competency of this suit. I have closely examined this issue and do hold that locus standi is a creature of statute. I agree therefore with Counsel for Applicants that;

The issue is straight forward and there is no need to call evidence. They pointed out that the Court decisions in the High Court and Court of Appeal on the election of Hon James Akena have clearly stated that his election as Party President was illegal.

They referred Court to the cases of *Kisugu Quarries Ltd. versus Administrator General [1999] 1 EA. (JJSC at page 169 to 170* and *Mistry Amar Singh -versus Kulijbya [1963] 3 ALLER* Lord Morris of Borth-y-Gest at page 504 (Coram: Viscount Radcliffe, Lord Morris of Borth-y-Gest, Lord Guest, Lord Pearce & Sir Kenneth Gresson) found that;

"No Court ought to enforce an illegal contract or allow itself to be made the instrument of enforcing obligations alleged to arise out of a contact or transaction which is illegal, if the illegality is duly brought to the notice of the Court, and if the person invoking the aid of the Court is himself implicated in the illegality. It matters not whether the Defendant has pleaded the illegality or whether he has not. If the evidence adduced by the Plaintiff proves the illegality the Court ought not to assist him."

This evidence is contained in the pleadings and is already availed on record for examination by the Court as correctly argued by Applicants herein. I have perused the record and agree that this is evidenced in Paragraph 6 of the Affidavit in Support of the Application sworn by Terrence Oyepa wherein he stated that "on the 11th day of December 2015 Justice Yassin Nyanzi delivered Judgement in Miscellaneous

Cause No. 86 of 2015 in which he made a declaration that the election of Hon. James Michael Akena as President of UPC subsequently by the Delegates Conference was illegal, *void* and of no legal consequence for violating the UPC Constitution".

This is further supported by *Annexures A and B* of the Affidavit in support of this Application which are the judgement and decree respectively. The same was also reiterated in Paragraph 10 (a) of the Affidavit in rejoinder sworn by Terence Oyepa and supported by Annexure RI in the Affidavit in rejoinder.

Furthermore, in Paragraph 12 of the Affidavit in support of the Application sworn by Terence Oyepa, he stated that "*the Secretary General of UPC Rev. Fr. Jacinto Deusdedit Ogwal wrote to the Applicant stating that the UPC Cabinet does not have any problems with Milton Obote Foundation and that the UPC Cabinet had not passed any Resolution for UPC to take possession and management of the suit properties*". This is supported by Annexures F and G of the Affidavit in Support of the Application. .

It has been shown that the *learned Justices of the Court of Appeal* in Civil Appeal No. 20 of 2016 furthermore dismissed the Appeal and reemphasized that the election of Hon. James Michael Akena as President of UPC was illegal and the decision was never appealed against to date. This is supported by Paragraph 10 (c) of the Affidavit in Rejoinder sworn by Terrence Oyepa as well as Annexure marked

'IRK' in the Affidavit in Rejoinder which is the decree from the Court of Appeal.

The Applicant contended that the head suit No. 282 of 2018 was filed by the faction of UPC led by Hon. James Akena who has no locus standi to file the suit on behalf of UPC. In reply to this allegation Respondents submitted that this is an issue that cannot be determined without calling evidence. They pointed out that this is not a pure point of law envisaged under Order 28 and 29 of the Civil Procedure Rules.

It was Counsel for the Respondents submission that the suit is properly before Court and the same cannot be dismissed on grounds that it is was filed by a person apparently declared to have been illegally elected a party president. They argued that the Applicant's allegations that the faction of the Respondent led by James Micheal Akena is misconceived on the basis that Hon. James Micheal Akena has not ceased to be a Member and President of the Respondent and the application for alleged contempt brought against him purporting to challenge his presidency was dismissed by the Court of Appeal. The appointment of the Late Bbosa as interim party president of the Respondent were overtaken by events and rendered inconsequential.

The evidence on record especially as contained in the judgment of the Court of appeal, notably the lead judgment by *Hon J Mulyagonja* is very specific while dismissing the appeal in declaring that

"The UPC continues to carry on its business on the basis of an interim order issued by this Court on 9th December 2016 to stay the execution of the orders of the High Court appealed against in this matter, It is now 5 years down the road and Hon Akena continues to execute the duties of the President of the party, albeit resulting from an illegal process which was quashed in 2015. It is important for members of the UPC to note that the credibility of the UPC will continue to be in doubt if its leadership is not brought into office in conformity with provisions of its constitution, the political parties and Organizations Act and the Constitution of the Republic of Uganda. In conclusion, this appeal is dismissed with orders that: The members of UPC conduct nominations and elect a president in conformity with the provisions of the Constitution of UPC'.

The above pronouncements are both informative and declaratory. They show that the Respondent in this Court is representing an entity whose very legal existence is in balance. The alleged party president was declared to be an illegal entity and he has no authority over the affairs of UPC which Court ordered to go back to the polls and elect its leaders. The facts above bring into play the legal position enunciated by the decision in **Makula International versus Cardinal Nsubuga Wamala (1982) HCB 12.** That;

"An illegality once drawn to the attention of the Court cannot be allowed to stand and in such instances the illegality overrides all other matters of pleadings that might have been alluded to".

This would operate to defeat the argument fronted by Counsel for the Respondents that whereas the Presidency of the party was challenged in Court of Appeal, the membership of the party by Hon. James Micheal Akena was never challenged and also his membership of the Applicant was maintained by High Court and that the UPC constitution enjoins the party members to defend, and uphold the supremacy of the constitution.

In the same context, some of the rights of the members are to participate, in the activities, formulation and implementation of the party policies. Implementation of the party policies includes promoting the intention of the formation of the Applicant which was to among others act as a financial wing of the Respondent. In the opinion of Counsel it was thus right and legal for Hon. James Micheal Akena to cause the filing of the head suit by the Respondent.

However, this is a flawed argument in view of the fact that an illegality has been unearthed, which it depreciates all ancillary arguments to the matters before Court.

This Court therefore is in agreement with was Counsel for the Applicant's submission that In light of the above Court decisions the faction led by Hon. James Michael Akena does not have the mandate/*locus standi* to file this suit on behalf of the UPC Party. I do find that this issue terminates in the negative.

Having found as above, this issue terminates the entire matter before me and it is not necessary for me to determine the other issues.

I therefore up hold the preliminary point of law and hold that the Respondent has no *locus* to bring this suit against the Applicants. The suit is accordingly dismissed with costs to the Applicants.

I so order.

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Henry I. Kawesa

JUDGE

04/05/2022.

04/05/2022:

Busingye Fred for the Applicant.

Derrick Enak together with Kansiime Elias for the Respondent.

Respondent present.

Terecy Oyepa for the Applicant.

Court:

Ruling delivered to the parties above.

Sgd:

Ayo Miriam Okello

DEPUTY REGISTRAR

4/05/2022