

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

MISCELLANEOUS CAUSE NO.10 OF 2023

NAMUTETE HENRY MUGWANYA:::APPLICANT

VERSUS

NDIWALANA GEORGE WILLIAM:::RESPONDENT

Before: Lady Justice Alexandra Nkonge Rugadya.

Ruling.

The applicant, Mr. Namutete Henry Mugwanya brought this application under **Section 33 of the Judicature Act cap.13, Section 98 of the Civil Procedure Act cap.71, Sections 140(1), 142, 145, & 180 of the Registration of Titles Act cap. 230, and Order 52 rules 1, 2, & 3 of the Civil Procedure Rules SI 71-1** seeking orders that;

a. The respondent shows cause why the caveat lodged on the applicant's land comprised in Busiro Block 542 plots 24 & 25 should not lapse;

b. The caveat lodged by the respondent be removed;

c. The respondent be found in contempt of court orders;

d. The respondent be ordered to pay exemplary damages of shs.10,000,000/=;



e. The respondent be fined shs. 20,000,000 (twenty millions) as sanctions for his contemptuous conduct;

f. Costs of the application be provided for.

5 **Decision of court:**

The possibility has been considered by this court that orders sought in this application may or may not have impact on the pending appeal: **Civil Appeal No. 72 of 2022** which was filed before this application and in respect of which appeal directives have now been issued.

10 Accordingly, the consideration of this application and all arguments as raised for or in objection to that appeal, including the competence of that appeal as raised by counsel for the applicant in **MA No. 1777/2022**, is pending and shall be made after perusal by court of the submissions made by both parties in respect of the pending appeal.

15 Costs shall await the outcome of the decision in **Civil Appeal No. 72 of 2022**.

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Alexandra Nkonge Rugadya

Judge

28th February, 2023

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