

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

MISCELLANEOUS APPLICATION NO.1247 OF 2023

5 **(Arising from Civil Suit No.2175 of 2016 formerly Nakawa High Court No.163
of 2012, 245 of 2013, & 288 of 2013)**

SENOGA IBRAHIM:.....APPLICANT

VERSUS

10 **COMMISSIONER LAND REGISTRATION:.....RESPONDENT**

Before: Lady Justice Alexandra Nkonge Rugadya.

Ruling.

15 This applicant through his lawyers **m/s Greystone Advocates** brought this application under **Section 98 of the Civil Procedure Act cap.71, and Order 52 rules 1 & 2 of the Civil Procedure Rules SI 71-1**, seeking consequential order to lift the caveats on land comprised in **Busiro Block 405 plots 2494, 2495, 2496, 2497, 2498, 2499, 2500, & 2501 land at Wamala Bukasa**; and that costs of the application be provided for.

Grounds of the application:

20 The grounds upon which this application is premised are contained in the affidavit in support thereof deponed by the applicant, Mr. Senoga Ibrahim. He stated that he is the registered proprietor of land comprised in **Busiro Block 405 plots 2494, 2495, 2496, 2497, 2498, 2499, 2500, & 2501** (hereinafter referred to as the suit land) and a one Nvule Patrick sued him and several others in **Civil Suit No.2175 of**
25 **2016** in which the applicant was the 12th defendant.

That on 27th April 2023, Mr. Nvule Patrick lodged a caveat on the suit land vide **Instrument No. WBU00356742** and that **Civil Suit No.2175 of 2016** has since been dismissed for nonattendance of the plaintiffs.



That the caveator, who was the plaintiff in **Civil Suit No.2175 of 2016** has no interest equitable or legal, on the suit land since he failed to prove his claim in the courts of law and thus has no right to maintain the said caveats on the suit land.

5 That upon applying to the respondent to have the caveat removed, the applicant was requested to obtain a consequential order to that effect which order flows directly from the dismissal of the main suit and as such, it is in the interest of justice that this application is granted.

The applicant also filed a supplementary affidavit in support of the application wherein he stated that in *paragraph 4* of the affidavit in support stated that a one
10 Nvule Patrick lodged caveats on the suit land pending determination of **Civil Suit No.2175 of 2016** before this court.

That according to *paragraphs 3 & 4* of the affidavit in support of the caveat lodged by the said Nvule Patrick, he stated that he filed **Civil Suits No.163 of 2013, 245 of 2013, and 288 of 2013** which were consolidated into **Civil Suit No.2175 of**
15 **2016** which is ongoing, and pending the determination of the said suits, he lodged caveats on the suit land.

The respondent who was served with this application did not file an affidavit in reply to oppose the application. In the circumstances, this application stands unopposed.

Consideration by court.

20 **Section 98 of the Civil Procedure Rules SI 71-1** gives this court inherent powers to take decisions which are pertinent to the ends of justice.

Civil Suit No.2175 of 2016 was filed by Mr. Nvule Patrick against the applicant herein and 19 others.

This court in its ruling dated 16th May, 2023 noted that the suit constituted of several
25 consolidated suits, and that the matters which had failed to take off went through the hands of several judicial officers and that the said Nvule Patrick kept changing counsel leading to further delays in hearing and concluding the suit.

After the suit was dismissed by this court for want of prosecution, he also filed an application to have its reinstatement. The application was however denied by this
30 court in its decision delivered on 7th December, 2023 **vide: MA No. 1274 of 2023 Nvule Patrick vs Victoria Nakintu & Others.**



Court noted in these decisions that the suit has spent ten years or more in court, the original suits having been originally filed in the Nakawa High Court, consolidated and transferred to this division. The suit was accordingly dismissed on grounds that the plaintiff's conduct demonstrated lack of seriousness to have the suit concluded.

5 **Annexures 'X' & 'Y'** of the supplementary affidavit in support of the application are copies of the caveat and the statutory declaration in support thereof. The said Nvule Patrick lodged the caveats pending the determination of **Civil Suit No.2175 of 2016** which has now been dismissed.

10 In follows therefore that there is no justification for the continued existence of the caveats lodged on the suit land considering the main reason for which the caveats were lodged has since been overtaken by events, and circumstances have since changed.

Accordingly, this application is hereby granted.

15 The Commissioner Land Registration is therefore directed to vacate the caveats lodged on the suit land comprised in **Busiro Block 405 plots 2494, 2495, 2496, 2497, 2498, 2499, 2500, & 2501.**

No orders as to costs.

.....
Alexandra Nkonge

20 **Alexandra Nkonge Rugadya**

Judge

19th December, 2023.

Delivered by email

Alexandra Nkonge

J.
19/12/2023.