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Anders<sup>1</sup>

applicants instructed **M/s Kiyemba & Matovu Advocates** to represent them in **Civil Suit No.593 of 2015** and that the said lawyers have been vigorous in following up the same, and that all the necessary documents were filed but the suit was dismissed on 23<sup>rd</sup> April, 2021 on grounds that no steps had been taken by the applicant.

However it came to the attention of court that one of the parties against whom the suit was filed Sentamu James died before the case could be completed. The respondents were tasked to apply for a grant of letters administration which was granted on 19<sup>th</sup> June, 2019 by the Chief Magistrates Court of Luwero.

This court gave directives to have the pleadings amended pursuant to which an amended plaint was filed in this court on 15<sup>th</sup> September, 2020 while the respondents filed their amended written statement of defence.

The 1<sup>st</sup> to 3<sup>rd</sup> defendants filed an amended WSD on 1<sup>st</sup> October, 2020.

On 23<sup>rd</sup> April 2021, the Deputy Registrar of this division dismissed **Civil Suit No.593 of 2021** on grounds that no steps had been taken by the applicants since 3<sup>rd</sup> December, 2019 obviously in error given the fact that all pleadings were found to have been filed ready for hearing.

Since the respondents have been made aware of this application and instead of filing a reply on the merits of this application opted to raise the objection about what they believed was an irregularity in service of this application, I have weighed that against the prejudice the applicants are likely to suffer if denied the chance to be heard and I find that the balance is tipped in favour of the applicants. More so, as the decision to dismiss was based on the mistaken belief that nothing concerning this suit had been taking place from 3<sup>rd</sup> December, 2019.

It is therefore in the interest of justice that the order of this court dismissing **Civil Suit No.593 of 2015** is set aside, the case reinstated and heard on its merits.

No award of costs.

A handwritten signature in dark ink, appearing to read 'Anthony', with a small number '2' written below it.

.....*Ashley*.....

**Alexandra Nkonge Rugadya**

**Judge**

5 **9<sup>th</sup> March, 2023.**

*Delivered until  
Ashley*

*G  
9/3/2023*