

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

MISCELLANEOUS APPLICATION NO.1011 OF 2022

5 **(Arising out of Civil Suit No.309 of 2015)**

RONALD DENIS D'UJANGA:.....APPLICANT

VERSUS

1. BABRA HARRIET BABIRYE

2. FRANCIS NAMENYA

10 **3. MUKASA HENRY:.....RESPONDENTS**

Before: Lady Justice Alexandra Nkonge Rugadya.

Ruling.

Introduction:

15 The applicant brought this application by notice of motion under the provisions of **Sections 92 & 98 of the Civil Procedure Act cap.71, and Orders 43 rule 41 & Order 52 rules 1 & 3 of the Civil Procedure Rules SI 71-1** seeking orders that;

1. An order doth issue against the respondents to stay execution of orders against the applicant vide Civil Suit No.309 of 2015 until the final determination of Civil Appeal No.212 of 2022;

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2. Costs of the application be provided for.

Decision of court:

25 I have carefully perused the pleadings and submissions filed by each side in relation to this application. It has however come to my attention that another application which is similar in nature was filed and concluded by the Court of Appeal, presided over by Justice of Appeal F.M.S. Egonda Ntende. **(Ref. MA No. 0038 of 2023).**

30 As clearly reflected in the proceedings of the appellate court dated 23rd February, 2023, whereby counsel Seninde representing the applicant/appellant withdrew the application for stay of execution of the orders of this court, on the ground that execution had already been effected. Since as confirmed the subject matter is no longer in existence this application has therefore been overtaken by events.

Costs awarded to the respondents.

.....
Alexandra

Alexandra Nkonge Rugadya

Judge

20th March, 2023

Delivered by email

Alexandra

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24/3/2023