

THE REPUBLIC OF UGANDA  
IN THE INSURANCE APPEALS TRIBUNAL AT KAMPALA  
APPEAL NO. 4 OF 2023

TROPICAL BANK LIMITED:..... APPLICANT

VERSUS

GOLDSTAR INSURANCE COMPANY LIMITED :..... RESPONDENT

RULING

INTRODUCTION AND BACKGROUND.

This appeal was filed by the Applicant on the 29<sup>th</sup> of June, 2023 challenging the decision of the Insurance Regulatory Authority (IRA) contained in its letter dated 2<sup>nd</sup> June 2023, under reference No. IRAB/COMP.76/9/2021.

The appeal challenges the decision by IRA which states that;

1. The Applicant pays UGX 25, 973, 924 as a premium to the respondent within 20 working days from the date of receipt of this decision
2. The Respondent to issue a new invoice to the Applicant to facilitate the payment within 7 days from the date of receipt of this decision
3. The respondent must provide proof of payment within 30 working days from receipt of this decision.

The appeal was fixed for hearing before the Tribunal on 25<sup>th</sup> September 2023 at 10:00 o'clock in the morning and a hearing notice dated 5<sup>th</sup> September 2023 served by the Tribunal and received by both the Applicant and the Respondent is on record.

On the day of the hearing, the Respondent, who was represented by Mr. Semambo Rashid and Mr. Wasswa Kasim Ssernsalo of Semambo & Semambo Advocates, appeared but there was no appearance made by the Applicant or its counsel.

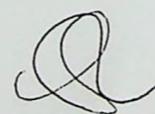
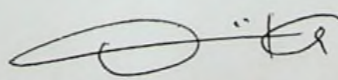
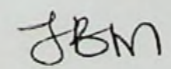

**Ruling of the Tribunal.**

We have considered the provisions of Regulation 19 of the Insurance Appeals Tribunal Regulations 2019 and it provides as follows;

**19. Non-appearance of the Applicant**

(1) Where, on the date fixed for the hearing of an application, the Respondent appears but the Applicant does not appear, the Tribunal may dismiss the application.

It is trite law that where a matter has been fixed for hearing and on the day and at the time it is called for hearing the Applicant does not appear, the court may dismiss it (see the decision of Madrama J as he then was in **Kampala International University V Tororo Cement & Others High Court Civil Application No. 433 of 2006**)

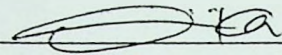
  
  
  


Consequently, having fixed the appeal to be heard on 25<sup>th</sup> September 2023 at 10:00 o'clock in the morning, and the Applicant having failed to appear on the day and time when the appeal was called, the Tribunal dismisses the appeal for non-appearance by the Applicant without costs.

The Applicant is at liberty to apply to this Tribunal to reinstate this appeal within thirty (30) days from the date hereof in accordance with Regulation 19 (2) of the Insurance Appeals Tribunal Regulations.

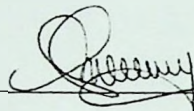
It's so ordered!

Delivered at Kampala this 25<sup>th</sup> day of September 2023.



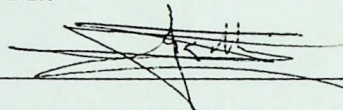
Rita Namakiika Nangono

**CHAIRPERSON**



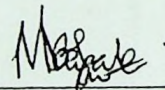
Solome Mayinja Luwaga

**MEMBER**



George Steven Okotha

**MEMBER**



Dr. John Bbale Mayanja

**MEMBER**