

THE REPUBLIC OF UGANDA
IN THE INDUSTRIAL COURT OF UGANDA
MISC. APPL. 134/2017
(ARISING FROM LDC 131/2016)

BLANCHE BYARUGABA KAIRA.....APPLICANT

VERSUS

AFRCAN FIELD EPIDEMIOLOGY NETWORK (AFNET).....RESPONDENT

BEFORE

1. Hon. Justice Ruhinda Asaph Ntengye, Chief Judge
2. Hon. Lady Justice Linda Lillian Mugisha Tumusiime

PANELISTS

- 1) Mr. Ebyau Fidel
- 2) Mr.F.X. Mubuuke
- 3) Ms. Nganzi Harriet Mugambwa

RULING

This is an application by notice of motion seeking for amendment of the above claim.

It was initially filed by letter dated 24/2/2017 and received by this Court on 28/2/2017.

By letter dated 01/3/2017 and received by this court on the same date, counsel for the respondent objected to the intended amendment but in the alternative counsel in the same letter prayed that if this court granted the same it should be with costs and the respondent should be allowed time to respond to the amendment.

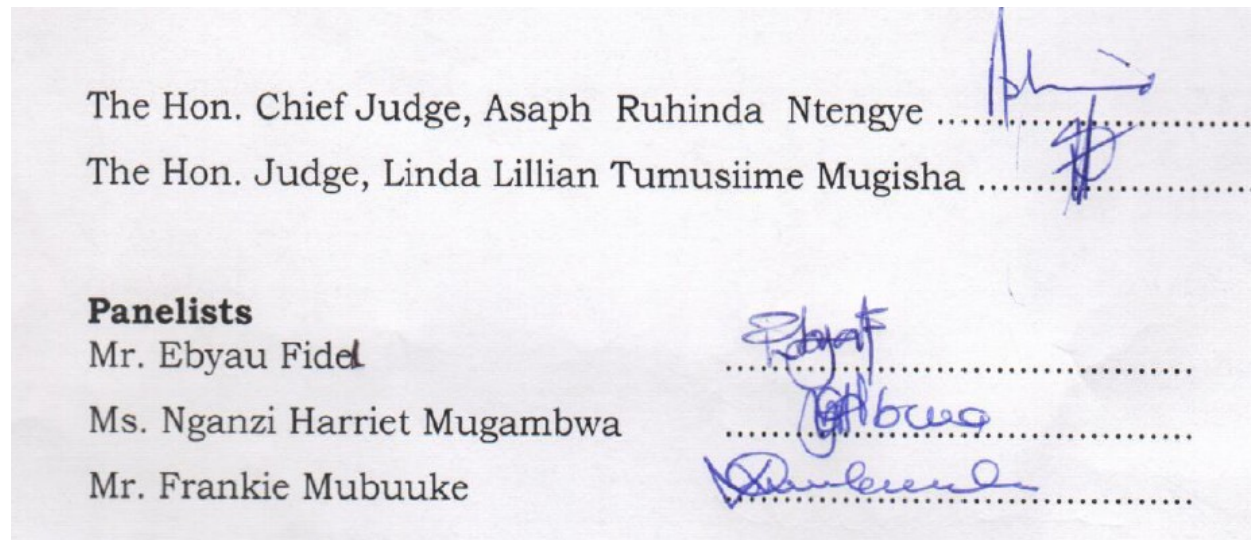
On 2/3/2017 Mr Sendagire for the respondent did not have any objection to the amendment by letter although this court ordered the claimant to file a formal application and gave time limits for replies and rejoinders. The ruling was to be delivered on 28/3/2017.

On perusal of the record we find that whereas the claimant went ahead to file a formal application there is no reply to the said application from the respondent. The claimant filed submissions to which we find no reply either.

In the absence of any reply to the application and given that the application is supported by affidavit which is not controverted, we conclude that the respondent, as counsel intimated on 2/3/2017 in open court, has no objection to the application. We have no reason to disbelieve the contention in the affidavit of the applicant that the cause of action has been maintained and that there will be no miscarriage of justice if the application is allowed.

We therefore allow the application and by so doing, in an attempt not to waste time of the court and of the parties, hereby validate the amended claim filed in this Court on 28/2/2017. The respondent shall be served with the said amended claim so as to reply within 14 days of the said service. No order as to costs is made.

SIGNED



The Hon. Chief Judge, Asaph Ruhinda Ntengye
The Hon. Judge, Linda Lillian Tumusiime Mugisha

Panelists
Mr. Ebyau Fidel
Ms. Nganzi Harriet Mugambwa
Mr. Frankie Mubuuke

DATED: 28TH MARCH, 2017