

THE REPUBLIC OF UGANDA  
IN THE INDUSTRIAL COURT OF UGANDA  
MSC.APP.32/2017 (FROM LDC 295/2016)

FRANCIS X. KAYUMBA.....APPLICANT

VERSUS

EQUITY BANK.....RESPONDENT

This is an application seeking a temporary injunction to stop the respondent from realizing a mortgage entered into between the applicant and the respondent pending the disposal of labour claim 295/2016

We have perused the application, the affidavit attached thereto as well as the affidavit in reply.

We have also listened carefully to the submissions of both counsel.

It is our considered opinion that the loan having been secured under a mortgage deed it was not a loan recoverable only by way of salary deductions but also by way of realizing the mortgage.

Therefore the pending claim for unlawful dismissal can easily be severed from the loan agreement. We agree with the submission of counsel for the respondent that at the time the mortgage deed was signed the claimant understood that in the event of none payment of the loan the mortgaged property would be sold.

Consequently we hereby decline to grant the application. No order as to costs is made

**SIGNED**

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

**PANELLISTS**

- 1) Ms. Adrine Namara
- 2) Mr. Micheal Matovu
- 3) Mr. Baguma Filbert Bates

**DATED: 29<sup>TH</sup> MARCH, 2017**