

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA
AT MENGGO

(CORAM: TSEKOOKO, KAROKORA, KANYEIHAMBA, JJ.S.C.)

CIVIL APPLICATION NO. 09 OF 2006

BETWEEN

JOYCE MUGUTA ::: APPELLANT

AND

**IDAH ITERURA :::
RESPONDENT**

(A Reference arising out of Misc. Application No. 3 of 2006 and Civil Appeal No.5 of 2006 in the Supreme Court and the Interim Order of Katureebe, J.S.C. dated 27th July, 2006.)

RULING OF THE COURT

This is an application by way of Notice of Motion under Rules 41(1) and 53(1) of the Rules of this court. The application is supported by the affidavit of Joyce Muguta, the applicant. It is opposed by the respondent.

The background to this application is as follows:

Following the disposal of Civil Appeal No. 22 of 2002, in the Court of Appeal and a number of subsequent legal procedures and judicial orders, the applicant who, as administratrix of the estate of the deceased and successful respondent in the said appeal, applied for execution of the judgment. Attempts were made to execute the judgment and orders of the Court as evidenced by an advertisement entry into the *Entatsi Newspaper* of 21st - 27th June, 2006. It is then that the respondent made Application No. 03 of 2006 seeking an interim order to stop execution of the judgment till the disposal of a pending application for stay of execution by this court. The application was heard by a single judge of this court (Katureebe, J.S.C). The learned Justice granted an interim order for stay of execution. It is against that interim order that a reference has been made to this Court under rule 53(1) of the rules of the Court.

It has been shown that there is an application for stay of execution before this court to be heard by a full bench. The applicant is also the respondent and the respondent the appellant in Civil Appeal No. 5 of 2006 between the same parties and the pending appeal was filed on 20th July, 2006 in this court. Messrs Muhanguzi, Muhwezi & Co. advocates represented the applicant and Messrs. Katembako & Co. Advocates represented the respondent.

Having perused the record of proceedings, considered the submissions of counsel for the parties, and reviewed the ruling and orders of our learned brother, Katureebe, J.S.C dated 27th June, 2006, we are satisfied that Katureebe, J.S.C's order was correct and that justice will be better served if an order of stay of execution is granted pending the disposal of Civil Appeal No. 5 of 2006. We therefore so order. Costs of this application will abide the final decision determining the said appeal.

Dated at Mengo, this 5th day of July , 2007.

J.N.W TSEKOOKO
JUSTICE OF THE SUPREME COURT

A.N. KAROKORA
JSUTICE OF THE SUPREME COURT

G. W. KANYEIHAMBA
JUSTICE OF THE SUPREME COURT