

**THE REPUBLIC OF UGANDA**

**IN THE SUPREME COURT OF UGANDA AT KAMPALA**

5 **(CORAM: MWONDHA, TIBATEMWA EKIRIKUBINZA, CHIBITA, MUSOTA, MADRAMA, JJSC)**

**MISCELLANEOUS Cause NO. 0012 OF 2022**

**AND**

**MISCELLANEOUS CAUSE NO. 13 OF 2022**

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**CHINA ROAD BRIDGE CORPORATION ..... APPLICANT**

**VERSUS**

**WELT MACHINEN ENGINEERING LTD ..... RESPONDENT**

**AND**

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**CHINA ROAD BRIDGE CORPORATION ..... APPLICANT**

**AND**

**(1) WELT MACHINEN ENGINEERING LTD }  
(2) ATTORNEY GENERAL } ..... RESPONDENTS**

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**(ARISING FROM COMBINED SUPREME COURT CIVIL APPEALS NO. 13 & 14 OF 2019)**

**RULING OF THE COURT**

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The applicant brought this application under rules 6(2) b, 42(1) & (2) and 43(1) of the Judicature (Supreme Court Rules) Directions for the orders that this Court stays execution of the judgment and orders of the Supreme Court in the consolidated Civil Appeals Judgment No. 13 and 14 of 2019, **China Road Bridge Corporation v. Welt Machinen Engineering Limited** and **Attorney General and China Road Bridge Corporation v. Welt Machinen Engineering Limited**, pending determination of the Application for recall and review of the above mentioned judgment.

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The Applicant also filed Miscellaneous Cause No. 13 of 2022 which was brought by the same Applicant but with two respondents China Road and Bridge Corporation versus (1) Welt Machinen Engineering Ltd and (2) Attorney General

5 It was brought under Section 98 of the Civil Procedure Act, Rules 2(2), 6 (2) (b), 42 and 43 of the Judicature (Supreme Court Rules) Directions S, I No. 13 – 11) and it was seeking for orders that

(1) An Interim Order of Stay of Execution be granted to Stay the Execution of the judgment and orders of the Supreme Court in SCCA  
10 No. 13 and 14 of 2019 and the main Application for Stay of Execution, which had been filed in this Court.

(2) Costs to be provided for:-

But before we reproduce the grounds of Miscellaneous Cause 12 of 2022 we would state on the onset that though Miscellaneous  
15 Application No. 12 was brought before this Court under Rules 6(2)(b), 42 (I) and (2) and 43 (I) of this Court Rules, And Miscellaneous Cause 13 of 2022 was brought under S.98 of the Civil Procedure rules and rule 2(2) of 6(2) (b), 42 and 43 of this Court Rules. The subject matter is Stay of execution in interim and so it is inconsequential. We are  
20 disposing of, Miscellaneous Cause No. 12 of 2022, which means Miscellaneous Cause 13 of 2022 shall fall by the way side following the disposal of Miscellaneous Cause 12 of 2022.

The grounds supporting the Application Miscellaneous Application 12 of  
25 2022 were contained in the affidavit attached to the Notice of Motion deposed by one Ding Jianming Deputy General Manager of the Applicants company and briefly stated as follows:-

(1) That the Applicant has filed an application for review and recall of the judgment and orders of the consolidated Supreme Court Civil Appeals  
30 No. 13 and 14 of 2019 in this Court.

(2) That the application for review and recall has high chances of success for the following reasons.

(a) The Supreme Court judgment and orders directed the first respondent to pay the sum of 23,995,130,000/= to Nakapiripirit District Land Board whereas what was due to the said Land Board was Shs287,694,151/=.

5 (b) New evidence has come up to show that the Applicants monies previously deposited in the High Court amounting to Uganda Shillings 20,744,711,490/= has already been paid to the first respondent and to Okurut Okalebo, Outuke & Co Advocates in the sum of Uganda Shs.4,786,537,000/= with whom the applicant has  
10 no dealings at all.

(c) The sum of Shs.20,457,617,339 being the difference between what was earned by the applicant under the interim payment Certificates and deposited in the High Court by UNRA and subsequently paid out to the first respondent and Okurut, Okalebo  
15 and Outuke Co Advocates is the Applicants money and needs to be secured pending the Application for review.

(3) That unless the Order for Stay of Execution is granted the judgment and orders will be executed and the 1<sup>st</sup> Respondent will pay the  
20 decretal amount to the Nakapiripirit Land Board within 60 days of the judgment i.e. from 2<sup>nd</sup> February, 2022.

(4) Unless the order is granted the application for review will be rendered  
25 nugatory and the applicant will be denied her rights and benefits of the Application for review and will further suffer financial loss.

(5) The applicant is ready to provide security for due performance of the orders as may ultimately be binding.

30 (6) That it's in the interest of justice that their application is granted.