

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

CIVIL APPLICATION NO. 0009 OF 2023
(Arising From Civil Application No. of 2023)
(Arising From Civil Appeal No. 13 of 2020)

- 1. FORMULA FEEDS LIMITED**
- 2. GICHOHI NGARI**
- 3. ANNE WANGUI GICHOHI ::::::::::::::::::::::::::::::: APPLICANTS**
- 4. SAMSON GICHOHI NGARI**

VERSUS

KCB BANK UGANDA LIMITED ::::::::::::::::::::::::::::::: RESPONDENT

BEFORE: HON. JUSTICE STEPHEN MUSOTA, JSC
(Sitting as a single Justice)

RULING OF COURT

This application was brought under Rule 2(2), 6(2) (b), 41(2), 42(1) and 43 of the Judicature Supreme Court Rules) Directions S1 13-10) seeking for orders that;

- a) An interim order doth issue staying the execution of the decree of the High Court (Commercial Division) in Civil Suit No. 289 of 2014 until the determination of Supreme Court Civil Appeal No. 13 of 2020;
- b) Costs for this application be provided for

The application is supported by the affidavits of the 2nd and 3rd applicants which state the grounds upon which this application is premised. Briefly, the grounds are that;

1. On 10th February 2016, the High Court (Commercial Division) delivered judgment in Civil Suit No. 289 of 2014 in favour of the respondent.
2. The applicants were dissatisfied with the said decision in the High Court and accordingly filed Civil Appeal No. 76 of 2016 in the Court of Appeal.
3. On 8th July 2020, Court of Appeal Civil Appeal No. 76 of 2016 was dismissed with costs to the respondent.
4. The applicants were dissatisfied with the entire judgment and decree of the Court of Appeal in Civil Appeal No. 76 of 2016 and accordingly filed an appeal in the Supreme Court vide Supreme Court Civil Appeal No. 13 of 2020 and the same is pending determination.
5. On 30th September 2022, the respondent filed two applications for execution of the decree in High Court (Commercial Division) Civil Suit No. 289 of 2014 in the High Court vide EMA No. 0279 of 2022.
6. On 9th November 2022, the Applicants filed High Court (Commercial Division) Miscellaneous Application No. 1647 of 2022 seeking for an order staying the execution of the decree in High Court (Commercial Division) Civil Suit No. 289 of 2014 but the same was dismissed on 13th February 2023.