



9. “That if the court does not accord me an interim remedy in the meantime while the suit and main application are being fixed for hearing and if the respondent is not stopped from her treacherous attempts of trying to forcefully evict me from this land, I am bound to suffer irreparable loss since this is the land where I and my family live and it is all we have got of the estate of my late husband.”

In paragraph 10 of the affidavit the applicant states that if eviction proceeds the purpose of the suit will be defeated and she will suffer irreparable harm.

Apart from stating that she lives on the land in question, her affidavit does not disclose what she has on the land in dispute. No mention is made of the developments on the land. Are there several houses on it or not? It appears this court is left to assume that since she states that she lives on the land, she probably has a house or grows crops on the same on which she depends. That is the first short fall in this application.

On the other hand the land in dispute is stated to be part of the estate of her late husband. No mention is made if there is an administrator in law of that estate. It is questionable whether without a grant of letters of administration or probate the applicant can establish rights to her husband’s estate in this court.

Lastly in paragraph 7 of her affidavit the applicant describes herself as a “bonafide/lawful occupant” of the land in question. Bonafide occupant and lawful occupants are concepts introduced by the Land Statute 1998 and in particular, section 30 thereof. The two mean different things. I am not sure whether one can be both within the Land Statute.

In the circumstances, the applicant has failed in my view to establish a thresh-hold upon which this court can exercise its discretion to grant an interim order for a temporary injunction as she has failed to show what loss, let alone irreparable loss<sup>1</sup> she may suffer.

It is possible that she will suffer loss and irreparable loss too. But this has not been shown in the papers she filed before this court. I accordingly decline to issue the order requested fore I dismiss this application.

I order that the main application be heard on the 28th August 2002 at 9.00 a.m.

**F.M.S. Egonda-Ntende**

**Judge.**

**22.8.2002.**