

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
CIVIL SUIT NO. 719 OF 1997

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|----------------------------|------|------------|
| 1. GOODMAN AGENCIES LTD | } :: | PLAINTIFFS |
| 2. HASA AGENCIES LTD | | |
| 3. EMMANUEL HATANGIMBABAZI | | |
| 4. LEONIDAS FELESI | | |
| 5. JANVIER BUSOGI | | |

VERSUS

THE ATTORNEY GENERAL ::::::::::::::::::::::::::::::: DEFENDANT

BEFORE: HON. JUSTICE J.P.M. TABARO

PROCEEDINGS/RULING

13-8-2007 2nd Plaintiff/applicant present through Charles Rwomushana present
 1st Plaintiff/applicant not present
 3rd, 4th and 5th Plaintiffs not present
 Mr. D. Nkurunziza for Hassa Agencies Ltd.
 Mr. P. Nyahangane for Goodman Agencies Ltd.
 Mr. D. Bagorogoza for 3rd, 4th and 5th plaintiffs
 Mr. G. Kalemera, State Attorney for the defendant/respondent.
 Dr. C. Kahumya for F. Tumusabe
 M. Kalengaya, t. Ranzaho, J. Muzewa.
 S. Mukashimana, F. Munyashuli, F. Kagabo.

Mr. Nkurunziza: ready to proceed.

Dr. Kahumya: We would associate ourselves with our learned friend's
 submissions.

Mr. Bagorogoza: So do we.

Mr. Nyahangane: So do we.

Mr. Nkurunziza: Application for judicial review on which an order of mandamus for directing the Government of Uganda through the Commissioner, Treasury officer of Accounts or his successor on title, to comply with judgment and decree of this Court, issued on 14-11-2005 for depositing the decree sum into court. Proceeding under 0.46 A r.4 CPR, by Notice. The affidavit of Charles Rwomushana sworn on 21-2-2006. Grounds are contained therein.

Generally they are:-

- (a) 2nd plaintiff with other parties successfully sued A.G. On 14-11-2005 this court issued the decree in favour of the plaintiffs against A.G. for an order of compensation for about 14 billion shillings. Copy of the decree attached to the application. On 15-12-2005 we wrote to A.G. with copy of the decree and demanded payment – Annexure A.G. has never responded. The decree has not been complied with. Certificate was extracted and served. No compliance to date. Ordinary execution is not available. Pray for leave. Later in the morning.

RULING:

By judgment dated 14-11-2005 it was decreed that Government do pay the sums of 1,332, 172, 842/= representing the value of trucks in question, shs.12,865,370,000/= representing loss of income/earnings, and shs.300,000,000/= being costs of the suit. Subsequently in a ruling of this Court, it was ordered that the decretal amount be paid into court. To date the defendant/A.G. has not met the decretal amount or at all.

Ordinarily the judgment creditors would be entitled to proceed with execution, by as is well known execution against government is not permitted by law. Since there is no other mode or channel for recovery of the decretal amounts I am satisfied that Mr. Nkurunziza's application is well founded. All counsel present are in full agreement with the submissions made by Counsel

for Hassa Agencies Ltd. The application is granted, under 0.46A r.4 CPR. Costs shall be in the cause. A date for application for mandamus shall be fixed.

J.P.M. Tabaro

Judge

13-8-2007

Ruling read in the presence of parties and their counsel as before.

J.P.M. Tabaro

Judge

13.8.2007