

**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
HCT-OO-CV-CS-0400-2007**

**BAGAMUHUNDA VINCENT::: PLAINTIFF**

**VERSUS**

**UGANDA ELECTRICITY BOARD:::DEFENDANT (IN LIQUIDATION)**

**BEFORE: THE HONOURABLE MR. JUSTICE YOROKAMU BAMWINE**

**RULING:**

The plaintiff sued the defendant for a declaration that he is entitled to payment in lieu of notice of termination and on order that the case be computed and paid in accordance with the Employment Act.

When the suit came up for a Scheduling Conference on 11/11/2008, Mr. Wamala for the defendant raised a preliminary point of law. He argued that in terms of the *Court of Appeal Civil Appeal No. 96 of 2004 Mavunwa Edson and Others vs. Uganda Electricity Generation Company Ltd (UEGCL)*, UEB is non-existent. That the plaintiff has therefore sued a non-existent person. Counsel for the defendant sought an adjournment to seek further instructions in the matter. This being a point of law, I said I would peruse the judgment of the Court of Appeal and decide whether it affects the instant matter.

I have now done so.

The said appeal was against the ruling of this court. The court had dismissed the appellant's suit on the ground that they had sued a wrong party. The view of the court in that matter was that the correct party to sue was UEB which was still alive for all intents and purposes. The Court of Appeal disagreed with this court and held that with the enactment of the Electricity

Act 1999, UEB ceased to exist, it was dissolved. This being a decision of an appellate court, it is binding on this court. Accordingly, I see no more room for argument on this issue. Once the legal position is that with the enactment of the Electricity Act, 1999, the defendant herein ceased to exist, that it was dissolved, then clearly the suit is against a non-existent party. It is misconceived, incompetent and bad in law. It ought to be dismissed in the terms of 0.6 r.29 of the Civil Procedure Act.

I do so.

There shall be no order as to costs against a non-existent entity.

**Yorokamu Bamwine**

**JUDGE**

**17/11/2008**

**17/11/08:**

Mr. Caleb Mugisha for plaintiffs.

Parties absent.

**Court:**

Ruling delivered.

**Mr. Caleb Mugisha:**

I would at this juncture pray for leave to appeal the decision.

**Court:**

So be it. Leave granted as prayed.