

1. OKOT PAULINO
2. ODONG BOSCO
3. KINYERA RICHARD
4. ONEK JACOB
5. OJOK DAVID APPLICANTS

ABOK YAKOBO ABONG RESPONDENT

RULING

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5 proceedings to the Appellant. See: **Otto Marcello & 4 Others Vs. Kinyera Patrick; Godfrey Tuwangye Kazzora Vs. Georgina Katarikwenda [1992-1993] 145; Ephraim Ongom & Another & Vs. Francis Benega, SC Civil Appeal No. 10/1987.** In this case, the record of the trial court is not attached to the Motion. What is attached is Judgment shown to have
10 been certified on 04/02/2022. There is nothing to show when the Judgment and record were availed to the Respondent who is the appellant in the impunged appeal.

The Applicant as a party contending that the appeal was lodged outside
15 time bore the burden of proving that indeed the appeal was filed outside time. In the absence of a deposition and proof when the record of the Proceedings of the trial court and Judgment were availed to the present Respondent, I am hesitant to find that the appeal was lodged outside time. In the circumstances, the Application has not been proved and stands
20 dismissed. I make no order as to costs, since the Respondent did not participate in this proceedings. I so order.

Delivered and dated at Gulu this 09th day of April, 2024.

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George Okello
JUDGE

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5 Ruling delivered in open Court

09th April, 2024

in the presence of:

Okot Douglas Odyek holding brief for Mr. Brian Watmon for the Applicants.

10 Mr. Stephen Ochan, Court Clerk.


George Okello
JUDGE

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