

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA

HCCS NO. 1195 OF 1997

MEERA INVESTMENTS LTD ::::::::::::::::::::::::::::::::::::::: PLAINTIFF

versus

JESHANG POPAT SHAH ::::::::::::::::::::::::::::::::::::::: DEFENDANT

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

PROCEEDINGS

27/5/1998

Mr. Byamugisha Guma for the plaintiff

Mr. J. Mukasa Semugenyi for the defendant.

Byamugisha:

The counter claim seems to cause

Mukasa:

Everything rises from the estate of the deceased

Byamugisha:

I would apply that a separate suit be instituted after making out the counter claim.

Mukasa:

Nothing new in the counter claim, of Springs from the plaintiff's pleadings.

COURT

Even if a separate suit were filed the court would still have discretion to consolidate the suits. The issues are similar and spring from the estate in question for my view there is no need for a separate suit, or plucking out the counter claim. The application is therefore disallowed to avoid multiplicity of suits.

Sgd: J. P. M. Tabaro

J u d g e

27/5/1998

Mukasa:

I apply to amend the W.S.D. so as to aver that the plaintiff has no locus standi in the matter.

Byamugisha:

No objection.

Court:

Application for amendment of W.S.D. granted. Costs in the cause.

Sgd: J. P. M. Tabaro

J u d g e

27/5/1998

Court:

- (a) Hearing fixed for 5/8/1998. Today's costs in the cause.
- (b) Plaintiff to amend the plaint to include a prayer for general damages.

Sgd: J. P. M. Tabaro

J u d g e

27/5/1998

5/8/1998

No representation of plaintiff in court.

No counsel for plaintiff Defendant not present

Mr. Mukasa for defendant.

Mukasa:

Fixed by consent in the presence of both counsel. Counsel is not present and no reason has been assigned for the absence. Pray to be allowed ex-parte.

Order:

As the matter is quite significant I will reluctantly adjourn the cause with costs to the defendant payable before the next hearing date.

Mukasa:

The notice of the objections was served yesterday.

Order:

Hearing of the objections fixed for 22/10/1998. Today's costs as already ordered,

payable before then.

Sgd: J. P. M. Tabaro

JUDGE

5/8/1998

22/10/1998

Parties not present

Mr. Byamugisha Guma for the plaintiff

Mr. Mukasa Semugenyi for the defendant

MUKASA:

No reply to make. Court can rule on the matter.

Byamugisha:

Court can make the ruling.

Court:

The submissions were availed to me this morning. Ruling shall be written and delivered

on notice.

Sgd: J. P. M. Tabaro

J u d g e

22/10/1998

9/9/1999

Parties not present

Mr. Byamugisha Guma for plaintiffs

Mr. Sebugenyi Mukasa for defendants

Guma:

We are interested in settlement and desire to withdraw the suit.

Sebugenyi:

No objections so long as there are provisions so long as there are provisions for accountability of the recent is dated if so, the counter claim can be withdrawn.

ORDER

By consent of both counsel, Mr. Byamugisha Guma for plaintiff, that Mr. Sebugenyi Mukasa for defendant the plaint and counter claim are withdrawn with costs to the defendants. It is further agreed that the plaintiff shall account for the rent collected so far.

Sgd: J. P. M. Tabaro

J u d g e

9/9/1999

11/01/2000

Parties not in court

Mr. Guma Byamugihsa for plaintiff

Mr. Sebugenyi Mukasa for defendant.

Mukasa:

Some accounts have been availed to us with some payment.

Guma:

No objections to an adjournment. We have done our best to satisfy the consent judgment.

Court:

For mention on 25/1/2000 at 9:00 a.m.

Sgd: J. P. M. Tabaro

J u d g e

25/1/2000

Plaintiff not in court

Defendants not in court Mr. Byamugisha Guma for plaintiff Mr. Sebugenyi Mukasa for defendant.

Guma:

Some money has been paid to the defendants.

We have gone through the accounts. We have sent queries for clarifications. They are to be brought to the notice of my learned friend.

Guma:

No objection.

Court:

For mention on 4/2/2000 at 09:00 a.m.

Sgd: J. P. M. Tabaro

J u d g e

25/11/2000

4/2/2000

Plaintiff not in court Defendant not in court Mr. Byamugisha Guma for plaintiff Mr. Sebugenyi Mukasa for defendant.

Guma:

I have agreed to meet with Mr. Mukasa next week. We believe we shall have a common position. Require a long adjournment.

Court:

For mention on day 11th 2000. Only figures are disputed. Payments have been made. Mr. Guma undertakes to inform Mr. Mukasa.

Sgd: J. P. M. Tabaro

J u d g e

4/2/2000

Plaintiff not in court

Defendant's representative, with Powers of Attorney, Mr. Craig is in court.

Defendant's son J. Shaha is in court. Cphoter a barrister, also present.

Mr. Byamugisha for plaintiff.

Mr. Sebugenyi Mukasa for defendant.

Order:

Adjourned till 12/5/2000

- i. midday, but would like to know if Mr. J. Shah has agreed to see his shares, out if so, at home with,
- ii. if there is no agreement then an independent value can fix the real payable, and the fine for the Shah's shares.

Sgd: J. P. M. Tabaro

J u d g e

11/2/2000

12/5/2000

Plaintiff representative in court. He is Sudhir Ruparelia Defendants as before.

Mr. Mwesigwa Rukutana for the plaintiff. Assisted by Mr. Guma Byamugisha.

Mr. Sebugenyi Mukasa for the defendant.

Order:

By consent of counsel for the parties it is read that Ms. Delloite & Tousche certified accountants be appointed valuers for extinguishing:

- (i) the value of the whole property
- (ii) the rental value payable for the property
- (iii) the value of the interest owned by the defendants, for the purpose of....

to the plaintiff shall be determined. Costs in the cause. For the terms of reference on 16/5/2000 at 3.00 p.m.

Sgd: J. P. M. Tabaro

J u d g e

16/5/2000

Parties not present

Mr. Mwesigwa Rukutana for plaintiff assisted by Mr. Guma Byamugisha. Mr. Sebugenyi Mukasa for defendant.