

supplementary affidavit in reply sworn on 5th April, 2013. In his two affidavits in reply, the 2nd respondent supports the applicant's application and HCCS No. 398 of 2012. To that extent this application would succeed as against the 2nd respondent. In his affidavits evidence in reply the 2nd respondent raised trial issues between himself and the 1st respondent which have to be investigated by this Court.

The 1st respondent never filed in Court any affidavits in reply to this application. However, in its submissions, the 1st respondent vehemently opposed this application. I have perused the submissions by Counsel for the 1st respondent, and noted that as a mortgagee the 1st respondent is greatly aggrieved against its co-defendant, the 2nd respondent.

They are so detailed to the extent that they go deep into the merits of the main suit. Yet this application is for temporary reliefs pending the hearing of the said suit. The 1st respondent's submissions dealt with the legal issues regard the mortgage it extended to the 2nd respondent.

Further, the two respondents have conflicting submissions. And it appears from their respective submissions as if the suit is between themselves and that the applicant is a victim of circumstances. Therefore, the issues raised by the respondents as between themselves and those of the applicant against the two respondents need to be investigated by this Court. That necessitated to maintain status quo of the suit land in the main suit.

Consequent to all the above, I have perused this application, considered the affidavits evidence by the applicant and the 2nd respondent, and analyzed the

submissions by all the parties and I am of the considered opinion that this application has merit. It is accordingly allowed in the terms and orders being sought therein with costs in the cause.

Dated at Kampala this 14th day of June, 2013.

sgd

Joseph Murangira

Judge