

UGANDA / JUDGMENT

Amazon Enterprises Limited and Another
v Byabagambe and Another
(MISCELLANEOUS APPLICATION NO. 2898
OF 2024) [2025] UGHC 243 (30 April 2025)
[2025] UGHC 243

COURT

High Court of Uganda

BEFORE

Kazaarwe, J

CASE / FILE NUMBER

MISCELLANEOUS APPLICATION NO. 2898 OF 2024

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THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDOA AT KAMPALA

(LAND OTVTSTON)

MISCELLANEOUS APPLICATION NO. 2898 OF 2024

(ARISING FROM CIVIL SUIT NO.764OF 20241

¹⁰ . I. AMAZON ENTERPRISES LIMITED

2. MAYENGO JOHN MUSOKE-----APPLICANTS

-VS-

1, BYABAGAMBE YUSUF

2. KISIRA JOHN BAPTIST RESPONDENTS

¹⁵ (Administrators of the Estate of the Late Nabuwaya Jesca)

Before: Hon. Ladv Justice Olive Kazaarwe Mukwava

RULING

This Application is premised on a Preliminary Point of law that Civil Suit No.764 2024 20 is res
judicata

Background to the Preliminary Point of Law

On the 28th March 2024, this Court delivered its Judgment in Civil Appeal No. 63 of 2020. The Appellant was Amazon Enterprises Limited and the Respondents were six (6) in number. They included Mr. Kisiira John Baptist and Mr. Byabagambe Yusufu, the

25 Respondents.

This Court determined the appeal and found that the Appellant was a bonafide purchaser for value without notice of fraud and that all six (6) Respondents were trespassers on the suit land.

Six months after delivery of the judgment, on the 16th August 2024, Civil Suit No. 764 of 2024 was filed by Mr. Kisiira John Baptist and Mr. Byabagambe Yusufu, (Administrators

of the Estate of the Late Nabuwaya Jesca), against Amazon Enterprises Ltd, John Mayengo, Kigozi Samuel, Uganda Registration Services Bureau, the Commissioner Land Registration and the Administrator General. 10

Determination by the Court

Section 7 of the Civil Procedure Act Cap 282 provides:

15 7. Res judicata

No court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a court competent to try the subsequent suit or the suit in which the issue has been subsequently raised, and has been heard and finally decided by that court.

Under Paragraph 2 of the Complaint in Civil Suit No. 764 of 2024, the suit land is described as Kyadondo Block 254 Plots 884 land at Nabutiti Kasanga. And Paragraphs 1 and 9 of the Complaint in Civil Suit No. 764 of 2024, describe the Plaintiff's cause of action and how it arose. Paragraph 9.1 states;

'The 1st and 2nd Plaintiffs are among the beneficiaries of the estate of the late Jesca Nabuwaya which estate comprised of property described as Kyadondo Block 254 Plots 884 land at Nabutiti Kasanga (suit land) among others.'

A perusal of the Judgment in Civil Appeal No. 63 of 2020 at page 1, under the first ground of appeal, describes the 2nd Respondent there under, Mr. Kisiira John Baptist, as a beneficial owner of the estate property of the late Jessica Nabuwaya.

The first ground of appeal was whether the 2nd Respondent had a lawful/equitable interest in the suit land as a beneficial owner of the estate of the late Jessica Nabuwaya. The suit ⁵ land is described at page 5 of the Judgment at line 30 as "the prcepty comprised in Kyadondo Block 254 Plots 884 at Kasanga and Nabutiti".

This Court. as stated earlier, found that the Respondents have no claim of ownership whatsoever on the suit land. A finding which stripped Mr. Kisiira John Baptist, and Mr. Byabagambe Yusuf of any authority to deal in the suit land. At page 8 line 31, of this

Court's judgment in Civil Appeal 63 of 2020. this Court found that all Respondents, including Mr. Byabagambe Yusuf, Sth Respondent and Mr. Kisira John Baptist, 2nd Respondent, were trespassers on the suit land. 10

^I agree with the Applicants that Civil Suit No. 764 of 2024 is res judicata The issues raised in that suit have been heard and finally decided by this Court.

In conclusion, I uphold the preliminary objection and hereby dismiss civil Suit No. ⁷⁶⁴ of 2024 on \ounds of res judicata, with costs to the ApplicaG. 15

2A Olive Kazaarwe Mukwaya JUDGE 30th April 2025 Delivered by Eccmis to Counsel for the Parties'

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Prepared on 12 October 2026 · Esheria