

UGANDA / JUDGMENT

Isikwize v Baguma (Civil Suit 22 of 2019)

[2025] UGHC 136 (28 February 2025)

[2025] UGHC 136

COURT

High Court of Uganda

CASE / FILE NUMBER

Civil Suit 22 of 2019

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THE REPUBLIC OF UGANDA**IN THE HIGH COURT OF UGANDA AT KAMPALA****(LAND DIVISION)****CIVIL SUIT NO. 22 OF 2019**

1. **YOSAMU ISIKWIZE**
2. **MUGISA AMOS**
3. **STEPHEN BAGONZA**
4. **KOBUGABE JOLLY ::::::::::::::::::::::::::::::::::: PLAINTIFFS**

VERSUS

1. **BAGUMA STEPHEN**
2. **DISTRICT LAND BOARD OF FORT PORTAL**
3. **THE REGISTRAR OF TITLES ::::::::::::::::::::::::::::::::::: DEFENDANTS**

BEFORE HON. JUSTICE VINCENT WAGONA**RULING**

Introduction

This Application was brought by the 1st Defendant through his Advocates of M/s Kaahwa, Kafuuzi, Bwiruka & Co. Advocates by way of a letter dated 24th January 2024 but filed in the Court registry on 12th March 2024. The Application was brought under Section 99 of the Civil Procedure Act, Cap 71 (now Cap 282) and the Applicant asked court to correct the suit number captured in my Ruling delivered on 27th February 2023 which had been indicated as **Land Civil Suit No. 37 of 2014** as opposed to the correct suit number which is **Land Civil Suit No. 22 of 2019**.

Decision:

Section 99 of the Civil Procedure Act, Cap 282 provides that; -

“Clerical or mathematical mistakes in judgments, decrees or orders, or errors arising in them from any accidental slip or omission may at any time be corrected by the court either of its own motion or on the application of any of the parties.”

Therefore, Section 99 of the Civil Procedure Act, which is the slip rule, gives this Court powers to correct clerical or mathematical errors/errors in the judgment or decree which are accidental or unintentional. The error can be corrected either on court’s own motion or by a formal application by either party to the judgment or decree. The application may be by a formal application or letter to the trial judge.

The principles for the applicability of the slip rule were set out in the case of **Vallabhadas Karsandas Ranigavs Mansuklal Jivraj & Ors [1965] EA 780**. In that case, the East African Court of Appeal held that *a slip order will only be made where the court is fully satisfied that it is giving effect to the intention of the court at the time when judgment was given, or in the case of a matter which was overlooked, where it is satisfied beyond doubt, as to the order which it would have made had the matter been brought to its attention.”* The dictum in the **Raniga vs. Jivraj (supra)** was followed by the Supreme Court of Uganda in **Orient Bank vs. Frederick Zaabwe & Anor, Supreme Court Civil Application No. 17 OF 2007**.

The court cannot therefore purport to review or alter its ruling under the slip rule but should only rectify evident errors on the surface of the judgment, ruling, or order, provided these errors are clear and the correction does not grant the court jurisdiction to act as an appellate body or substantially modify its own decision. (See: **Supreme Court Petition No. 26 of 2019, Monica WanguWamwere& 5 Others vs. Attorney General (Supreme Court of Kenya)**).

Upon receipt of an application like the instant one and after confirming the existence of clerical or mathematical errors/errors in the judgment or decree which are accidental or unintentional, the Court has inherent powers to recall its Ruling in order to give effect to its manifest intention or what clearly would have been the intention of the Court had some matter not been inadvertently omitted, but the Court will not sit on appeal against its own Judgment in the same proceedings. (See **Uganda Development Bank Ltd vs. Oil Sees (U) Ltd; MA 15 of 1997 (SC)**)

I have read the instant Application and confirmed from the court record that the instant suit was originally filed in the Land Division of the High Court at Kampala as **Civil Suit No. 327 of 2014**. Because the suit property is situate within the jurisdiction of this Court, the case was then transferred to this court in 2019 and registered as Land Civil Suit No. 22 of 2019 on 7th June 2019. This court on its own motion fixed the case (Land Civil Suit No. 22 of 2019) for mention on 31st January 2023. None of the parties were in Court on the said date but *Counsel Bwiruka Richard* for the 1st Defendant was present and he prayed for another date. The matter was further adjourned to 8th February 2023 for further mention and still none of the parties were in court. On the said date, *Counsel Bwiruka Richard* for the 1st Defendant asked court to have the case

dismissed for want of prosecution.

Pursuant to the said prayer by *Counsel Bwiruka Richard* for the 1st Defendant, on 27th February 2023 in a detailed Ruling, I dismissed the instant suit under **Order 17 rule 6 (1)** of the Civil Procedure Rules with costs awarded to 1st Defendant since the Plaintiffs had not taken any steps to progress the hearing of the case and it had been more than three years since the last action had been done on the file. However, by an accidental slip/error I misquoted the suit number in my Ruling of 27th February 2023 as **Land Civil Suit No. 37 of 2014** as opposed to the correct suit number which is **Land Civil Suit No. 22 of 2019**. The error of referring to the suit as **Land Civil Suit No. 37 of 2014** was inadvertently occasioned by its semblance to the original suit number; **Civil Suit No. 327 of 2014** which was registered in 2014 by the Land Division of the High Court at Kampala when the suit was first filed. It is therefore my finding that my Ruling dated 27th February 2023 had an accidental slip or error /mistake which is rectifiable under the slip rule. I thus issue the following orders: -

1. **An order that the ruling of this court delivered on 27th February 2023 which had been indicated as Land Civil Suit No. 37 of 2014 as opposed to the correct suit number which is Land Civil Suit No. 22 of 2019 is hereby recalled with a view that the accidental slip or omission or mistake be corrected with the result that the suit which was dismissed on 27th February 2023 under Order 17 rule 6 (1) of the Civil Procedure Rules is corrected to read as Land Civil Suit No. 22 of 2019 and not Land Civil Suit No. 37 of 2014.**
2. **No order is made as to costs.**

It is so ordered.

Dated at Fort Portal this 28th day of February 2025

Vincent Wagona

High Court Judge

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Prepared on 13 October 2026 · Esheria