

UGANDA / JUDGMENT

Kampala Capital City Authority v Moses Kalungi (Misc. Application No. 2706 of 2024) [2025] UGCommC 86 (25 April 2025)

[2025] UGCommC 86

COURT

Commercial Court of Uganda

BEFORE

Tumusiime Rubagumya, J

CASE / FILE NUMBER

Misc. Application No. 2706 of 2024

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5 THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA
(COMMERCIAL DIVISION) MISC. APPLICATION NO. 2706 OF 2024 (ARISING FROM
MISC. CAUSE NO. 37 OF 2023) 10 KAMPALA CAPITAL CITY
AUTHORITY ::::::::::::::::::::::::::: APPLICANT VERSUS MOSES
KALUNGI ::::::::::::::::::::::::::::::::::: RESPONDENT

BEFORE: HON. LADY JUSTICE PATIENCE T. E. RUBAGUMYA

RULING

15 Introduction

This application was brought by way of Notice of Motion under Section 98 of the Civil Procedure Act, Cap. 282, Order 1 rules 10(2) and 13 and Order 52 rules 1 and 3 of the Civil Procedure Rules, SI 71-1, seeking orders that:

- 20 1. The Respondent's name be corrected to read as Kalungi Moses Kirumira.
- 2. Kalungi Estates Limited and K. J Company Limited be added as Respondents in *Miscellaneous Cause No. 37 of 2023*.
- 25
- 3. The Applicant be allowed to amend the application for a summary warrant to reflect Kalungi Moses Kirumira, Kalungi Estates Limited and K. J Company Limited as parties to the suit.
- 30

- 4. Costs of this application be provided for.

Background

- 5 The background of the application is contained in the affidavit in support deposed by **Mr. Seruwagi Norbert**, the Applicant's Ag. Deputy Director, Revenue Collection, and is summarized below:
 - 1. That the Applicant has the legal obligation to value, levy and collect property rates from all owners and/or tenants of commercial and 10 residential rented properties within its jurisdiction.
 - 2. That the Applicant filed *Miscellaneous Cause No. 37 of 2023* against the Respondent, seeking to recover UGX 80,283,543.69/= in property rates, due and arising from properties described as; 15 P117005167 comprised in Plot 16-18 William Street, P117005168 comprised in Plot 48 Kampala Road, P117005169 and P117005170 located on Church Road, which at the time of the valuation, were registered in the name of Moses Kalungi.
 - 3. That the Applicant has since discovered that the Respondent's full name is Kalungi Moses Kirumira.
 - 4. That at the Respondent's request, the Applicant has also since 25 amended the owner details of the commercial properties described as P117005167 and P117005168 to reflect as K. J Company Limited and Kalungi Estates Limited.
 - 30 5. That the Applicant has further discovered that the Respondent is a director and shareholder in both K. J Company Limited and Kalungi Estates Limited.
 - 6. That to determine liability to pay property rates, it is necessary to 35 add Kalungi Estates Limited and K. J Company Limited as parties to the instant suit, and their presence is necessary for the effective and complete settlement of all questions involved in the suit.
- 5 7. That the Respondent's name be corrected to read as Kalungi Moses Kirumira.

In reply, the Respondent opposed the application, contending that:

1. The allegation that Mr. Seruwagi Norbert is currently the Ag. Deputy Director of Revenue Collection of the Applicant, as depicted in the 10 Notice of Motion, is unfounded, because he has not provided such evidence, nor has he provided any evidence of authority allowing him to depone the affidavit on behalf of the Applicant.
2. He lodged objections in the name of Kalungi Kirumira Moses on 15 behalf of Kalungi Estates Limited.

- 3. *Miscellaneous Cause No. 37 of 2023* was filed against a nonexistent party, which is an illegality because the said pleadings were 20 filed against a one Moses Kalungi a non-existent party, whereas the Respondent's true legal name is Kalungi Moses Kirumira as per the national ID card already in possession of the Applicant.
- 4. Any attempts aimed at amending an illegality or adding any parties 25 to an illegal suit are a total abuse of the due process of this honorable Court, and that this application has been brought in bad faith as the Applicant is trying to circumvent the statute of limitation.
- 30 5. Annexure "K" is a fishing expedition by the Applicant, and it can in no way be a conclusive identification of the Applicant and his name and more so, it is not authentic before this Court.
- 6. Upon incorporation, the Company attains corporate personality and, 35 as such, is separate and distinct from its shareholders.
- 7. The Applicant has not satisfied the official requirements warranting issuance of the orders it is seeking.
- 5 **Mr. Seruwagi Norbert**, the Applicant's Manager, Compliance and Inspectorate, with added duties of Deputy Director Revenue Collection deposed an affidavit in rejoinder, contending that:
 - 1. He was assigned the duties of Deputy Director, Revenue Collection on 18th October, 2024.
 - 10
 - 2. The Respondent objected to the Applicant's Valuation Court regarding properties comprised in Plot 48 Kampala Road and Plot 16-18 William Street in his name, Kalungi Kirumira Moses and did not indicate that he was doing so on behalf of Kalungi Estates 15 Limited.
 - 3. The Applicant lawfully filed *Misc. Cause No. 37 of 2023* against the Respondent in the name of Kalungi Moses which the Respondent 20 had used severally in correspondences with the Applicant and in which the properties described as P117005167, P117005168, P117005169 and P117005170 were valued by the Applicant.
 - 4. *Misc. Cause No. 37 of 2023* is lawful, and the application to add 25 parties was filed to enable the Court to effectually and completely adjudicate upon and settle all questions involved in the suit.
 - 5. The Respondent uses the names Kalungi Kirumira Moses, Kalungi 30 Moses and Moses Kalungi interchangeably, and the Respondent availed to the Applicant a copy of his national ID card on 20th July, 2023 after the Applicant had filed *Misc. Cause No. 37 of 2023* on 9th May, 2023.

- 35 6. It is on Court record that Counsel for the Respondent affirmed the Respondent's desire to seek an out-of-Court settlement when *Misc. Cause No. 37 of 2023* came up for hearing on 12th September, 2024.

5 Representation

The Applicant was represented by Learned Counsel **Ahabwe Jones** from its **Directorate of Legal Affairs**, while the Respondent was represented by Learned Counsel **Nasasira Ivan** and Learned Counsel **Adong Daisy Prudence** of **M/s Opwonya & Co. Advocates**.

10 Both parties filed their written submissions as directed and the same have been considered by this Court.

Issues for Determination

Following **Order 15 rule 5(1) of the Civil Procedure Rules**, and the case of **Oriental Insurance Brokers Limited Vs Transocean (U) Limited**

- 15 *SCCA No. 55 of 1995*, the Court has rephrased the issues so raised to read as follows:
- 1. Whether the misnomer in filing *Misc. Cause No. 37 of 2023* can be cured?
- 2. Whether it is necessary and proper to add Kalungi Estates Limited
- 20 and K. J Company Limited as Respondents in *Misc. Cause No. 37 of 2023*?
- 3. What remedies are available to the parties?

In his affidavit in reply and submissions, the Respondent raised preliminary objections to the effect that:

- 25 i) Mr. Seruwagi Norbert has no authority to depone an affidavit as the Acting Deputy Director Revenue Collection on behalf of the Applicant.
- ii) The Applicant is trying to circumvent the statute of limitation.
- iii) *Misc. Cause No. 37 of 2023* was filed against a non-existent 30 party.

5 iv) *Misc. Cause No. 37 of 2023* does not raise a cause of action against the Respondent.

Order 6 rule 28 of the Civil Procedure Rules, is to the effect that a point of law that is pleaded when so raised is capable of disposing of the suit, may by consent of the parties or by order of the Court on the application 10 of either party, be set down for hearing and disposed of at any time before the hearing. It is therefore trite that where a preliminary objection is capable of disposing of the matter in issue, it is judicious to determine the objection before embarking on the merits of the case. (See: **Uganda Telecom Ltd Vs ZTE Corporation SCCA No. 3 of 2017**).

- 15 Guided by the above authorities, I shall proceed to resolve the preliminary points so that raised.

- i) Whether Mr. Seruwagi Norbert has authority to depone an affidavit as the Acting Deputy Director Revenue Collection, on behalf of the Applicant?
- 20 In his affidavit in rejoinder, Mr. Seruwagi Norbert averred that he was assigned duties of Deputy Director Revenue Collection on 18th October, 2024 as per annexure "A" to the affidavit in rejoinder. Perusal of annexure "A" reveals that Mr. Seruwagi Norbert, Manager Compliance & Inspectorate was assigned duties of Deputy Director Revenue Collection 25 with effect from 15th October, 2024 to 31st December, 2024. This application was filed on 20th December, 2024.

Regarding whether he has the capacity to depone an affidavit on behalf of the Applicant; it is now trite that what is required in affidavits is the knowledge or belief of the deponent. (See: **Order 19 rule 3(1) of the Civil**

5 Procedure Rules and *Namutebi Matilda Vs Ssemanda Simon and 2 Others Misc. Application No. 430 of 2021*).

Under paragraph 1 of the affidavit in support, Mr. Seruwagi Norbert stated that:

"... I am a male adult Ugandan of sound mind, presently the Ag.* 10 *Deputy Director Revenue Collection, conversant with the facts of this cause, and swear this affidavit in support of the application in that capacity."*

In light of the above, this preliminary objection is hereby overruled.

ii) Whether the Applicant is trying to circumvent the statute of 15 limitation?

In their submissions, Learned Counsel for the Respondent did not submit on this point. Therefore, this Court will infer that the same was abandoned.

I will resolve the 3rd preliminary objection under issue No. 1 and the 4th 20 preliminary objection under issue No. 2.

Issue No.1: Whether the misnomer in filing *Misc. Cause No. 37 of 2023* can be cured?

Applicant's submissions

Learned Counsel for the Applicant relied on the **Black's Law Dictionary**,

25 8th Edition and the case of ***AC Yefeng Construction Limited Vs The Registered Trustees of Living Word Assembly Church & Another HCMA No. 01 of 2021*** for the definition of a misnomer and submitted that the Respondent is an existent person who was wrongly named by the Applicant in the pleadings, a misnomer that can be cured.

- 5 He further submitted that at the time of the valuation, the Applicant captured the properties described as P117005167, P117005168, P117005169 and P117005170 in the name of Moses Kalungi. That the Respondent objected to the valuation of some of those properties as the owner in the name of Kalungi Kirumira Moses as reflected in annexures
- 10 "G1" and "G2" to the affidavit in support but did not object to the details of ownership of the properties as captured by the Applicant. Learned Counsel explained that the Respondent uses the names Kalungi Kirumira Moses, Kalungi Moses and Moses Kalungi interchangeably as evidenced by his letter to the Applicant dated 21st June, 2023 where he signed off as
- 15 Kalungi Moses but presented a national ID in the name of Kalungi Moses Kirumira as well as Company form 8 in the name of Moses Kalungi as evidenced by annexures "I1", "I2", "I3" and "J" to the affidavit in support. Further, that the Respondent's phone number captured on the statements of accounts is in the name of Moses Kalungi as per annexure 20 "K" to the affidavit in support and a copy of his national ID card was given
- to the Applicant on 20th July, 2023 after it had filed *Misc. Cause No. 37 of 2023*.

In conclusion, Learned Counsel contended that since the Respondent did not object to the ownership details of "Moses Kalungi" while objecting to 25 the valuation list and using the name Kalungi Moses in his correspondences with the Applicant, it proves that he is existent but uses different names interchangeably. That therefore the use of the name Moses Kalungi is a misnomer that can be cured by correction as was stated in the case of *Davies Vs Elsby Brothers Ltd [1960] 3 All ER 672*. That the 30 Respondent was aware that *Misc. Cause No. 37 of 2023* was against him and that even his Counsel Ms. Adong Daisy approached the Applicant seeking to settle the matter out of Court.

5 Respondent's submissions

Learned Counsel for the Respondent submitted that the Applicant filed their pleadings against a non-existent and or wrong party. That the Respondent's name is Kalungi Kirumira Moses and not Moses Kalungi. That in the case of *The Board of Trustees Rubaga Miracle Center Vs*

10 *Mulangira Ssimbwa HCMA No. 576 of 2006*, it was held that a plaint in the names of a non-existent party cannot be amended.

That therefore, the Applicant's application is incurably defective and its allegation that there was a misnomer and requesting Court to replace the non-existing party is untenable at law since the suit properties are 15 registered in the names of K. J Company Ltd and Kalungi Estates Ltd as

- per their annexures "I2" and "M" to the affidavit in support. In conclusion, Learned Counsel for the Respondent submitted that the Applicant ought to have sued K. J Company Limited and Kalungi Estates Ltd and not Moses Kalungi or Kalungi Kirumira Moses.
- 20 Analysis and Determination

It is undisputed that *Misc. Cause No. 37 of 2023* was filed against Moses Kalungi. The Applicant now seeks to have the name corrected to read as Kalungi Moses Kirumira on grounds that using the name Moses Kalungi instead of Kalungi Moses Kirumira is a misnomer that can be corrected. 25 On the other hand, the Respondent contends that Moses Kalungi is a wrong/non-existent party and replacing the same with Kalungi Moses Kirumira is untenable at law.

Section 100 of the Civil Procedure Act provides that:

"The Court may at any time, and on such terms as to costs or 30 *otherwise as the Court may consider appropriate, amend any defect*

5 *or error in any proceeding in a suit; and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or depending on such proceeding."*

The Black's Law Dictionary, 9th Edition defines a misnomer as:

"A mistake in naming a person, place or thing, especially in a legal 10 *instrument."*

The Supreme Court, in the case of *Sabric International Limited Vs Attorney General SCCA No. 30 of 2020* relied on the *reasonable reader's test* so as to determine a misnomer that can be amended and **Hon. Lady Justice Prof. Lillian Tibatemwa-Ekirikubinza, JSC**, relied on the case of 15 *Davies Vs Elsby Brothers Limited (supra)* wherein it was held that:

"*It is a general principle of English law, not merely applicable to cases of misnomer, that the intention which the framer of the documents has in mind when he brings it into existence is not material...In English law as a general principle, the question is not* 20 *what the writer of the document intended or meant, but what a reasonable man reading the document would understand it to mean; and that is the test which ought to be applied as a general rule in cases of misnomer which may embrace a number of other situations apart from a misnomer on a writ, for example, mistake* 25 *as to identity in the making of a contract.*

The test must be; How would a reasonable person receiving the document take it? If, in all the circumstances of the case and looking at the document as a whole, he would say to himself; Of course it must mean me, but they have got my name wrong, then 30 *there is a case of mere misnomer. If, on the other hand, he would*

5 *say; "I cannot tell from the document itself whether they mean me or not and I shall have to make inquiries" then it seems to me that one is getting beyond the realm of misnomer. One of the factors which must operate on the mind of the recipient of a document and which operates in this case, is whether there is or is not another* 10 *entity to whom the description on the writ might refer.*" (**Emphasis mine**).

The Supreme Court then applied the same test in determining the same issue in *Sabric International Limited Vs Attorney General (supra)*, and stated that;

15 "The question to be answered is: whether a reasonable reader in the position of the Respondent would have doubt as to the appellant's existence and the claims it lodged in the trial Court".

In the case at hand; according to annexures "A", "B", "C" and "D" attached to the affidavit in support, statements of accounts dated 9th 20 January, 2023 in respect of the valuation of properties described as P117005167, P117005168, P117005169 and P117005170; the ownership details reflect Moses Kalungi. The valuation lists were gazetted and a one Kalungi Kirumira Moses objected to the valuation of Plot 16/18 William Street/ P117005167 and Plot 48 Kampala Road/P117005168 as reflected 25 under annexures "G1" and "G2" to the affidavit in support. This is not disputed by the Respondent. As rightly submitted by Learned Counsel for the Applicant, Kalungi Kirumira Moses, did not object to the ownership details captured under the statements of accounts in respect of P117005167 and P117005168. On 21st June, 2023 vide a letter, annexure 30 "I1" to the affidavit in support, a one Kalungi Moses requested the Applicant's Director Revenue Collection to change the name in respect of

- 5 property comprised in Plot 48, Kampala Road and Plot 1 Johnson Street/P117005168 from Moses Kalungi to Kalungi Estates Limited. Attached to this letter, Kalungi Moses adduced a certificate of title, a statement of account for P117005168 dated 19th June, 2023 in the name of Moses Kalungi, a photocopy of the national ID card in the name of
- 10 Kalungi Moses Kirumira and Company Form No. 8 presented by Moses Kalungi, a director on behalf of Kalungi Estates Limited, as reflected in annexures "I2" "I3" and "J" to the affidavit in support, respectively.

I have also observed that in his affidavit in reply, the Respondent swore the affidavit in the name of Kalungi Kirumira Moses but under **paragraph 15 11** thereof, he stated that his true legal name is Kalungi Moses Kirumira.

- From the above analysis, it can be deduced that the Applicant was well known to the Respondent and that the Respondent uses the names Moses Kalungi, Kalungi Moses, Kalungi Kirumira Moses and Kalungi Moses Kirumira interchangeably. Also, under **Paragraph 11** of the affidavit in 20 reply, the Respondent went on to state that a copy of his national ID card
- was in the possession of the Applicant even before the filing of the suit. The Respondent's national identity card in the Applicant's possession is annexure "I3" to the affidavit in support and was submitted on 21st June, 2023 yet *Misc. Cause No. 37 of 2023* was filed on 9th May, 2023. In 25 addition, according to the said national ID card, the Respondent's legal name is Kalungi Moses Kirumira which the Applicant seeks to have corrected and not Moses Kalungi, as early pleaded.

Therefore, in the circumstances of this case, a reasonable reader can clearly see that the use of the name Moses Kalungi was a misnomer that is curable. In the premises, pursuant to **Article 126(2)(e) of the Constitution of the Republic of Uganda, 1995 and Sections 98 and**

5 **100 of the Civil Procedure Act**, the Respondent's name is hereby corrected to read as, Kalungi Moses Kirumira in *Misc. Cause No. 37 of 2023*.

Issue No. 1 is therefore answered in the affirmative.

Issue No. 2: Whether it is necessary and proper to add Kalungi Estates 10 Limited and K. J Company Limited as Respondents in *Misc. Cause No. 37 of 2023*?

Applicant's submissions

Learned Counsel for the Applicant first relied on **Section 37 of the Judicature Act, Cap. 16, Order 1 rules 10(2) and 13 of the Civil 15 Procedure Rules** as well as the case of *Departed Asians Property Custodian Board Vs Jaffer Brothers Ltd SCCA No. 9 of* **1998**, for the principles that govern applications for addition of parties. He submitted that **Section 6 of the Local Governments (Rating) Act, Cap. 140** provides that the person liable for payment of the rate shall be the owner

20 of the property.

To that, Learned Counsel submitted that at the time of valuation in 2017, the properties described as P117005167, P117005168, P117005169 and P117005170 were in the name of Moses Kalungi. That on 20th July, 2023, after the filing of *Misc. Cause No. 37 of 2023*, the Applicant received a 25 letter from the Respondent requesting for the change of the registered name of property comprised in Plot 48 Kampala Road described as P117005168 to Kalungi Estates Limited, which change was effected, as per annexure "L" to the affidavit in support. Further, that it was also discovered that K. J Company Limited is the registered owner of the 30 property comprised in LRV 3414 Folio 13, Plot 16-18 William Street and

5 the amendment has since been effected as per annexure "N" to the affidavit in support.

Learned Counsel further submitted that the addition of Kalungi Estates Limited and K. J Company Limited as parties to *Misc. Cause No. 37 of 2023* is necessary to enable the Court effectually and completely 10 adjudicate upon and settle all the questions involved in the matter and to avoid multiplicity of suits.

Learned Counsel for the Respondent did not file any submissions in respect to this issue but rather contended that *Misc. Cause No. 37 of 2023* does not raise any cause of action against the Respondent since the

15 suit properties are registered in the names of Kalungi Estates Limited and K. J Company Limited.

Analysis and Determination

Order 1 rule 10(2) of the Civil Procedure Rules provides that:

"The Court may at any stage of the proceedings either upon or* 20 *without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as Plaintiff or Defendant, be struck out, and that the name of any person who ought to have been joined, whether as Plaintiff or Defendant, or whose presence before the* 25 *Court may be necessary in order to enable the Court effectually and completely adjudicate upon and settle all questions involved in the suit, be added."

The above legal provision illustrates that the Court possesses discretionary powers to add or remove a party to a suit on its own motion or upon an

5 application by a party. The same has been portrayed in several decisions, including, *Kololo Curing Co. Ltd Vs West Mengo Co-op Union Ltd [1981] HCB 60*. Notably, such discretion is to be exercised judiciously. As shown in the case of *Yahaya Kariisa Vs Attorney General & Another SCCA No.7 of 1994*, it is intended to enable the Court to deal with matters to 10 their finality so as to curb multiplicity of suits.

In the case of *Departed Asians Property Custodian Board Vs Jaffer Brothers Ltd (supra)*, the Supreme Court considered **rule 10(2) of Order 1 of the Civil Procedure Rules** and held that:

"This rule is similar to the English R. S. C Order 16 r11, under which* 15 *the case of Amon Vs Raphael Tuck & Sons Ltd [1956]1 All E. R was considered and decided that a party may be joined in a suit, not because there is a cause of action against it, but because that party's presence is necessary in order to enable the Court effectually and completely adjudicate upon and settle all the* 20 *questions involved in the cause or matter."

Hon. Justice Mulenga, JSC (RIP), gave considerations for adding a party to a suit and stated that:

"For a person to be joined on the ground that his presence in the suit is necessary for effectual and complete settlement of all* 25 *questions involved in the suit one of two things has to be shown. Either it has to be shown that the orders, which the Plaintiff seeks in the suit would legally affect the interests of that person and that it is desirable, for avoidance of multiplicity of suits, to have such a person joined so that he is bound by the decision of the Court in* 30 *that suit."

- 5 In the present case, the Applicant seeks to add Kalungi Estates Limited and K. J Company Limited as Respondents in *Misc. Cause No. 37 of 2023* on grounds that they are the current registered proprietors of property described as P117005168 and P117005168 respectively.
- As earlier stated, at the request of the Respondent vide annexure "I1" 10 dated 21st June, 2023, as attached to the affidavit in support, the Applicant changed the registered ownership of property described as P117005168 to Kalungi Estates Limited as evidenced by annexure "L" to the affidavit in support, a statement of account for property described as P117005168

dated 26th September, 2024 in the name of Kalungi Estates 15 Limited. Further, according to annexure "M", to the affidavit in support, a search report from the Ministry of Lands, Housing and Urban Development dated 5th September, 2024, K. J Company Limited is the registered proprietor of the property comprised in LRV 3414 Folio 13 land at Kampala, William Street Plot 16-18 also described as P117005167. A 20 statement of account dated 26th September, 2024, annexure "N" to the affidavit in support, was also issued to that effect.

Considering that the Applicant seeks to recover property rates in respect of property described as P117005167 and P117005168, currently registered in the names of K. J Company Limited and Kalungi Estates 25 Limited respectively, I find it is necessary to add both parties so that they are bound by the decision of Court since the orders sought may legally affect their interests. Furthermore, the addition of K. J Company Ltd and Kalungi Estates Limited is in line with **Section 6(1) of the Local Governments (Rating) Act** which is to the effect that the person liable for 30 payment of the rate shall be the owner of the property.

- 5 Regarding the Respondent's contention that there is no cause of action against him since the suit premises are registered in the names of Kalungi Estates Limited and K. J Company Limited; as observed from above, only the proprietorship of P117005167 and P117005168 was changed.
- The Respondent has not adduced any evidence to show that the 10 proprietorship of properties described as P117005169 and P117005170 have also been changed from his name. Therefore, I find that the Applicant has a cause of action against the Respondent in respect of the properties described as P117005169 and P117005170.

Accordingly, pursuant to Section 37 of the Judicature Act and Section

- 15 **98 of the Civil Procedure Act**, in the interest of avoiding multiplicity of suits and effectually and completely adjudicate upon and settle all the questions involved in *Miscellaneous Cause No. 37 of 2023*, **Kalungi Estates Limited and K. J Company Limited** are hereby added as the 2nd and 3rd Respondents in *Miscellaneous Cause No. 37 of 2023*.
- 20 Issue No. 2 is hereby answered in the affirmative.

Issue No.3: What remedies are available to the parties?

Order 1 rule 10(4) of the Civil Procedure Rules provides that:

"Where a Defendant is added or substituted, the plaint shall, unless the Court otherwise directs, be amended in such a manner* 25 *as may be necessary, and amended copies of the summons and of the plaint shall be served on the new Defendant, and, if the Court thinks fit, on the original Defendants."*

- 5 Accordingly, this application is granted with the following orders:

- 1. The Applicant is hereby directed to amend *Miscellaneous Cause No. 37 of 2023* to reflect the correct name of the Respondent as Kalungi Moses Kirumira.
- 10 2. The Applicant is hereby granted leave to add Kalungi Estates Limited and K. J Company Limited as the 2nd and 3rd Respondents in *Miscellaneous Cause No. 37 of 2023.*
- 15 3. The Applicant shall file and serve the amended application to all the Respondents within twenty-one (21) days from the date of this Ruling.
- 4. The added Respondents shall file and serve their affidavits in reply 20 within twenty (20) days after receipt of the amended application and an affidavit in rejoinder to be filed within fourteen (14) days after receipt of the affidavits in reply.
- 25 5. Costs of this application shall be in the cause.

I so order.

Dated, signed and delivered electronically via ECCMIS this 25th day of April, 2025.

Patience T. E. Rubagumya **JUDGE** 25/04/2025

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