

UGANDA / JUDGMENT

Kapere Rurange v Rukararwa Bataka Kweterana Society Limited (HCT-05-CV-CR-0004-2002) [2004] UGHC 75 (12 February 2004) [2004] UGHC 75

COURT

High Court of Uganda

CASE / FILE NUMBER

HCT-05-CV-CR-0004-2002

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This application for revision follows an order of the Chief Magistrates' Court

Court at Bushenyi and the subsequent execution of that order which resulted into the attachment and sale of eight heads of cattle belonging to the applicant herein. The applicant seeks to have the two orders revised by this court primarily

on the argument that the Chief Magistrate's Court exercised its jurisdiction illegally and with material irregularity and injustice. The second ground is that it is fair, reasonable and in the interests of justice that the remedy sought be granted.

I recognize it to be a key grievance of the applicant that the eight heads of cattle were arbitrarily attached from his herd and sold in execution. I recognize also that at the time the same applicant sought to argue objector proceedings he was told execution had already been carried out. That was in December 2001. This application is anchored on Section 84 of the Civil Procedure Act as it stood then. I proceed to quote what is material to this application.

I recognize it to be a key grievance of the applicant that the eight heads of cattle were arbitrarily attached from his herd and sold in execution. I recognize also that at the time the same applicant sought to argue objector proceedings he was told execution had already been carried out. That was in December 2001. This application is anchored on Section 84 of the Civil Procedure Act as it stood then. I proceed to quote what is material to this application.

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\par }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid611120\charrsid2649332 (ii) where, from lapse of time or other cause, the }{\rtlch\fcs1 \af0 \ltrch\fcs0 \ul\insrsid2649332 exercise of such }{\rtlch\fcs1 \af0 \ltrch\fcs0 \ul\insrsid611120\charrsid2649332

power would involve serious hardship to any person\quote . }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid2649332 Emphasis is added.

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There is no denying the order and the execution were carried out. Two years after the event if this court were to carry out its powers of revision there is no doubt hardship would result to several persons. After the court Bailiff, if he is still around

, is asked to account for the eight heads of cattle the persons to whom they were disposed would be looked for. This task would not only be daunting but also embarrassing, not to mention that it would be next to impossible given that cattle are easily dis

posable. All the arguments advanced by applicant }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7016755 are moot.

\par }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid611120\charrsid2649332 In the circumstances I find I cannot grant the orders sought and dismi}{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7016755 ss the application with costs.

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P. K. Mugamba

\par Judge

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\par }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid611120\charrsid2649332 12th February 2004 \line Mr. Ngaruye for applicant \line Mr. Kahungu-Tibayeita for respondent \line Parties in court \line Ms Tushemereirwe court clerk \line }{\rtlch\fcs1 \af0 \ltrch\fcs0

\ul\insrsid611120\charrsid2649332 Court: }{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid611120\charrsid2649332 \line Ru}{\rtlch\fcs1 \af0 \ltrch\fcs0 \insrsid7016755 ling read in court.

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\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3;\lsdsemihidden0
\lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List;\lsdsemihidden0 \lsdunhideused0
\lsdpriority71 \lsdlocked0 Colorful Shading;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List;\lsdsemihidden0
\lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid;\lsdsemihidden0 \lsdunhideused0
\lsdpriority60 \lsdlocked0 Light Shading Accent 1;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 1;\lsdsemihidden0
\lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 1;\lsdsemihidden0 \lsdunhideused0
\lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 1;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 1;
\lsdunhideused0 \lsdlocked0 Revision;

\lsdsemihidden0 \lsdunhideused0 \lsdqformat1 \lsdpriority34 \lsdlocked0 List Paragraph;
\lsdsemihidden0 \lsdunhideused0 \lsdqformat1 \lsdpriority29 \lsdlocked0 Quote;\lsdsemihidden0
\lsdunhideused0 \lsdqformat1 \lsdpriority30 \lsdlocked0 Intense Quote;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 1;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 1;\lsdsemihidden0
\lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 1;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 1;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 2;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 2;\lsdsemihidden0
\lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 2;\lsdsemihidden0 \lsdunhideused0
\lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 2;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 2;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 2;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 2;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 2;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 2;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 2;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 2;\lsdsemihidden0
\lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 2;\lsdsemihidden0
\lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 2;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 2;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 3;\lsdsemihidden0
\lsdunhideused0 \lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 3;\lsdsemihidden0
\lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 3;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 3;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 4;\lsdsemihidden0
\lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 4;\lsdsemihidden0
\lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 4;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 4;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 5;\lsdsemihidden0
\lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 5;\lsdsemihidden0 \lsdunhideused0
\lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 5;\lsdsemihidden0
\lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 5;\lsdsemihidden0
\lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 5;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 5;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority60 \lsdlocked0 Light Shading Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority61 \lsdlocked0 Light List Accent 6;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority62 \lsdlocked0 Light Grid Accent 6;\lsdsemihidden0
\lsdunhideused0 \lsdpriority63 \lsdlocked0 Medium Shading 1 Accent 6;\lsdsemihidden0
\lsdunhideused0 \lsdpriority64 \lsdlocked0 Medium Shading 2 Accent 6;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority65 \lsdlocked0 Medium List 1 Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority66 \lsdlocked0 Medium List 2 Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority67 \lsdlocked0 Medium Grid 1 Accent 6;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority68 \lsdlocked0 Medium Grid 2 Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority69 \lsdlocked0 Medium Grid 3 Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority70 \lsdlocked0 Dark List Accent 6;

\lsdsemihidden0 \lsdunhideused0 \lsdpriority71 \lsdlocked0 Colorful Shading Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority72 \lsdlocked0 Colorful List Accent 6;
\lsdsemihidden0 \lsdunhideused0 \lsdpriority73 \lsdlocked0 Colorful Grid Accent 6;

\lsdsemihidden0 \lsdunhideused0 \lsdqformat1 \lsdpriority19 \lsdlocked0 Subtle Emphasis;
\lsdsemihidden0 \lsdunhideused0 \lsdqformat1 \lsdpriority21 \lsdlocked0 Intense Emphasis;

Source & reproduction note

ORIGINAL SOURCE	https://ulii.org/akn/ug/judgment/ughc/2004/75/eng@2004-02-12
CASE PAGE	https://chat.esheria.ai/case-law/uganda/kapere-rurange-v-rukarakwa-bataka-kweterana-society-limited-hct-05-cv-cr-0004-2002-2004-ughc-75-12-february-2004-unknown-topic-unknown-court-2004

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