

The applicant proceeded under Order 24(2). ^A scrutiny of where one of several plaintiffs to sue survives. ^I am of the consideration opinion that the case before me is different. The present applicant was originally not one of the plaintiffs when **David Kayanja** sued the respondent. or defendants dies and right the said provisions indicates that the orders refers to a case

The right provision would in my opinion be Order 24(3). sole plaintiff dies. Continuation of the action depends on whether the cause of action survives or continues upon which court would cause the matter. This provision deals with events when a the legal representative of the deceased plaintiff take over

Order 24(1) provides that the death of a plaintiff does not continues. action survives or continues. In the circumstances ^I am persuaded by the decision of **Pulling vs The Great Eastern Railway Company (1882) QBD,** cited by learned counsel cause the suit to abate if the cause of action survives or This order and rules do not define when an

i ±

for the respondent. That case decided that the plaintiff could not sue in respect of damages to the intestate's estate arising from a tortuous injury to the intestate's person. the precedent is not binding oh me but agree with it ³ because tortuous action may not be maintainable where the injured plaintiff would be required to prove the negligence of the defendant. This would not be possible if the plaintiff to claim or entitled to those damages is deceased. That the action was unmaintainable. ^I do appreciate that

^I therefore dismiss the application. Costs of the application to be met by each party.

I ^S ANNA MAGEZI

JUDGE

c ¹ 3

\$10/04/08\$

$\overline{a}$ \$

Mr. Mangeni for the plaintiff absent though notified.

Plaintiff present.

Mr. Steven Zzimula for 2^{nd} defendant present.

Court: Ruling read as directed by the Hon. Judge.

.

s^r \$

$\text{Sgd}\}$ Opesen Thadeus
ASSISTANT REGISTRAR $\frac{10000000}{10/04/08}$ \$

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ulii.org/akn/ug/judgment/ughccd/2008/1/eng@2008-04-08>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/kayanja-v-yekee-and-another-civil-suit-no-2632003-2008-ughccd-1-8-april-2008-unknown-topic-unknown-court-2008--6a3ea4d93b1caa91297e5b89>

Prepared on 14 October 2026 · Esheria