

UGANDA / JUDGMENT

Kiggala and 3 Others v Henry Panel Works Limited and 2 others (Miscellaneous Criminal Application 2820 of 2024) [2024] UGHCLD 257 (23 October 2024)

[2024] UGHCLD 257

COURT

HC: Land Division (Uganda)

BEFORE

Nabakooza, J

CASE / FILE NUMBER

Miscellaneous Criminal Application 2820 of 2024

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REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA (LAND DIVISION)

MISC. APPLICATION NO.2820 OF 2024

(ARTSTNG FROM CrVrL SUrT NO.382 OF 20221

1. KIGGALA JOSEPH KALEMERA
2. KIKONYOGO ANDREW KIWEWESI
3. NANTEGE RUTH
4. SAAVA DORIS DAY NAKALEMBE (ADMINISTRATORS OF THE ESTATE OF THE KASALINA NKINZI) APPLICANTS

VERSUS

1. HENRY PANEL WORKS LIMITED
2. SSENTONGO KIGGUNDU DANIEL
3. COMMISSIONER LAND REGISTRATION RESPONDENTS

RULING

BEFORE: HON. LADY JUSTICE NABAKOOZA FLAVIA K.

Parties present. Clerk Nakabuye.

Court: On 16th September 2024 at 10:46 am Counsel Martin Muhumuza informed court that they had a filed Misc. Application No.2255 /2024 with ^a preliminary objection to the counter claim.

In reply counsel Ssemanda Zziwa Ben told court that the police asked for 2 weeks to give them a copy of the Forensic report and that they were not aware of the Preliminary Objection but they were going to access it and file a reply to it and prayed for a mention date.

This court gave today 23/10/2024 at 9:40am as the next Hearing date. Today counsel Muhumuza has asked court uphold the preliminary objection in Miscellaneous Application 2255 /2024 since it's a contested.

In reply counsel Ssemanda Ben Zziwa has informed court that they did not reply to the Misc. Application No.2255/2024 because they found it necessary to file Miscellaneous Application No.2820 /2024 applying to add another party the 1st Henry panel work Ltd with leave of court to amend the counter claim.

In my evaluation of the above a point of law may be raised by any party, and it shall be disposed of by court at the hearing, or the point of law can be set down for hearing and disposed of at any time see order 6 rule 28 Civil Procedure Rule (c. P. R)

In this case counsel Ssemanda was ordered to reply to Miscellaneous Application No.2255/2024 before the next mention date on 16/09/2024 by 23/10/2024, which was more than a month, but instead decided to file another Application No.2820/2024 seeking to amend the very counter claim a preliminary objection was raised.

This action is an abuse of court process calculated to defeat Miscellaneous Application No.2255 /2024 which this court will not encourage as provided by S. 17(2) of Judicature Act Cap 16.

Therefore, this Miscellaneous Application No.2255/2024 is granted as prayed since it is opposed under order 6 rule 29 of Civil Procedure Rule (C. P. R), and this also covers Miscellaneous Application No.2820 /2024 the application to amend the counter claim is rejected with the events in Miscellaneous Application ²²⁵⁵/2024 under S. 17 (2)(a) Judicature Act Cap 16 since it's an abuse of court process ... delays in trials.

I make no order to costs in Miscellaneous Application 2820 /2024 since the Respondents had not yet responded in reply.

il^,, /r) Signed, dated and delivered at Kampala this 024.

Nabakooza F1 Kalungi Ju

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CASE PAGE <https://chat.esheria.ai/case-law/uganda/kiggala-and-3-others-v-henry-panel-works-limited-and-2-others-miscellaneous-criminal-application-2820-of-2024-2024-ughcld-257-23-october-2024-unknown>

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