

UGANDA / JUDGMENT

Kiggundu v Kaddu (Miscellaneous Application 74 of 2024) [2024]

UGHCFD 30 (1 July 2024)

[2024] UGHCFD 30

COURT

HC: Family Division (Uganda)

BEFORE

Komuhangi, J

CASE / FILE NUMBER

Miscellaneous Application 74 of 2024

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THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA (FAMILY DIVISION)
MISCELLANEOUS APPLICATION NO. 0074 OF 2024 5 (ARISING OUT EMA NO. 0024
OF 2023, HCMA NO. 0542 of 2023 AND DIVORCE CAUSE NO. 0002 OF 2018)

ERICK KIGGUNDU=====APPLICANT

VERSUS

10 TEDDY KYEYUNE KADDU=====RESPONDENT

BEFORE: HON. LADY JUSTICE ALICE KOMUHANGI KHAUKHA RULING

Introduction

15 This is a Ruling in respect of an Application by Notice of Motion for Orders that:

(a) A stay of execution of EMA No. 0024 of 2023 be issued pending the hearing and disposal of HCM No. 1515 of 2023 and the main Appeal to the Court of Appeal vide CACA No. 1527 of 2024; and

(b)The costs of this Application be provided for.

Representation

When the Application came up for hearing, the Applicant was represented by Mr. Isaac Isabirye holding brief for Mr. Charles Serunjogi from Solace Advocates. The Respondent was represented by Mr. Lasto Byabakama from Tamale & Co.

25 Advocates.

Court's Decision

Upon thorough perusal of the Application and the reliefs sought, I find that the same have been conclusively determined in Miscellaneous Applications 1515 of 2023 and Miscellaneous Application No. 1450 of 2023.

Section 7 of the Civil Procedure Act provides that:

"No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent*

10 *to try the subsequent suit in which the issue has been subsequently raised, and has been heard and finally decided by that Court."*

This Application is therefore dismissed for being res judicata with costs to the Respondent.

Dated at Kampala this 1st day of July 2024.

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Alice Komuhangi Khaukha

20 JUDGE

01/07/2024

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