

UGANDA / JUDGMENT

Kironde Ashiraf v Kobil Uganda Ltd (Civil Suit No: 381 of 2016) [2025] UGCommC 208 (18 June 2025) [2025] UGCommC 208

COURT
Commercial Court of Uganda

BEFORE
Susan Odongo, J

CASE / FILE NUMBER
Civil Suit No: 381 of 2016

Source: ulii.org · Research copy typeset by Esheria. Not court-issued or certified.

**5 THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA
(COMMERCIAL DIVISION) CIVIL SUIT NO: 0381 OF 2016**

10 KIRONDE ASHIRAF ===== PLAINTIFF

VERSUS

KOBIL UGANDA LTD =====DEFENDANT

BEFORE: HON. LADY JUSTICE SUSAN ODONGO

15 RULING

This matter was cause listed for hearing and the cause list widely circulated. Hearing notice was issued via ECCMIS. However, when this matter was called on for hearing, the parties did not appear.

It is needful to state that the judiciary is currently burdened with case backlog, 20 and courts have adopted a stricter stance regarding adherence to timelines established to facilitate the expeditious disposal of cases. When a suit is called on by the court for hearing or for any related matter, it is incumbent upon parties to respond punctually and diligently to prosecute their matter, failure to do so results in the unnecessary consumption of the court's valuable time.

25 Therefore, where parties default in taking actions necessary to facilitate the expeditious progression of the case, Order 17 rule 4 of the Civil Procedure Rules, S. I. 17-1 guides the Court on how to proceed. The provision states;

Where any party to a suit to whom time has been granted fails to produce his or her evidence, or to cause the attendance of his or her witnesses, or to perform any other act

30 *necessary to the further progress of the suit, for which time has been allowed, the court may, notwithstanding that default, proceed to decide the suit immediately. (emphasis mine).*

The performance of any other act necessary to the further progress of the suit, may comprise, filing necessary documents, complying with procedural orders,

5 attending hearings. The determination of the suit, forthwith, is a matter within the Court's discretion that lies with court.

Notably, since this suit was filed in 2016, it, undoubtedly, forms part of case backlog. In this case, the parties' failure to appear when the suit was called on for hearing constitutes a failure to take any further steps necessary to advance

10 the case. An act proper for the exercise by this court of the discretion under Order 17 rule 4 of The Civil Procedure Rules.

Thus, there being no appearance by the parties, I hereby dismiss this suit pursuant to Order 17 rule 4 of the Civil Procedure Rules.

I so order.

JUDGE 18/6/2025

20

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/ugcommc/2025/208/eng@2025-06-18>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/kironde-ashiraf-v-kobil-uganda-ltd-civil-suit-no-381-of-2016-2025-ugcommc-208-18-june-2025-unknown-topic-unknown-court-2025>

Prepared on 13 October 2026 · Esheria