

UGANDA / JUDGMENT

Mbaguta Innocent Twebaze v Nkugwa Rose and Others (MISCELLANEOUS APPLICATION NO. 0321 OF 2024) [2025] UGHC 241 (21 January 2025)
[2025] UGHC 241

COURT
High Court of Uganda

BEFORE
Kazaarwe, J

CASE / FILE NUMBER
MISCELLANEOUS APPLICATION NO. 0321 OF 2024

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THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA (LAND DIVISION) MISCELLANEOUS APPLICATION NO. 0321 OF 2024 ARISING FROM MISC CAUSE NO.167 OF 2021

MBAGUTA INNOCENT TWEBAZE-----

VERSUS

$\$S\%$

- 1. NKUGWA ROSE
- 2. LUYIMA SAMUEL SEITH
- BAZZE FRED
- 4. THE COMMISIONER LAND REGISTRATION-----

Before: Hon. Lady Justice Olive Kazaarwe Mukwaya

RULING

This application is brought by Mr. Mbaguta Innocent Twebaze (Suing through his Lawful Attorney and Agent Kyeyune Ronald), seeking a review of this Court's decision and 20 Orders in Miscellaneous Cause No. 167 of 2021.

The 4th Respondent filed a reply to the Application and the other 3 Respondents did not appear at all.

By way of background, the application was heard ex parte.

My understanding of the grounds of this review application is that the Applicant is aggrieved because he never had the opportunity to peruse the certified copies of documents from the Office of the Commissioner Land Registration.

These documents were submitted for Court's adoption by Mr. Lubulwa Peter, Counsel for the Applicant on the 26th of April, 2023. They were produced following a court order to the

Commissioner Land Registration to produce all the documents pertaining to the caveat 30 complained of by the Applicant.

It is therefore not possible that the Applicants whose Counsel availed those documents to this Court for adoption as part of the pleadings in support of his application could have failed to read and internalise their content.

5 Every fact contained therein cannot be construed as a new matter, with respect to the Applicant within the meaning of Section 82 of the Civil Procedure Act Cap 282 and Order 46 rules I and 2 of the Civil Procedure Rules S.I 282-'1. '82. Review.

Any person considering himself or herself aggrieved- (Emphasis added')

- (a) by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been Preferred; or
- (b) by a decree or order from which no appeal is allowed by this Act, may apply for ^a review of judgment to the court which passed the decree or made the order, and the court may make such order on the decree or order as it thinks fit-

under Order 46 rule 1 and 2:

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1) Any person considering himself or herself aggrieved- 15

- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
- (b) by a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter of evidence which, after the exercise of due diligence, was not within his or her knowledge or could not be produced by him or her at the time when the decree was passed or the order made' or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason. desires to obtain a review of the decree passed or order made against him or her, may apply for a review of judgment to the court which passed the

decree or made the order. (Emphasis added.) 25

> The failure by Counsel for the Applicant to adequately peruse the stack of documents and appreciate the details contained, therein including the fact that the 1st Respondent' Ms

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Nkugwa Rose died on the 5th of December, 2021 is not a sufficient reason to alter the decision of this Court.

^Ireiterate that the Applicant has the option of filing an ordinary suit to have the caveat on the suit land removed.

In conclusion, I find that this Application for Review has no merit and I dismiss it with costs to the 4th Respondent.

Olive Kazaarwe Mukwaya JUDGE Delivered on the 21st January 2025 Uploaded on ECCMIS on the 2d May 2025

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Prepared on 13 October 2026 · Esheria