

UGANDA / JUDGMENT

**Ms Marketing Support Services
Limited v Administrator General
(Miscellaneous Application 2834 of
2023) [2025] UGHCLD 127 (8 July 2025)
[2025] UGHCLD 127**

COURT

HC: Land Division (Uganda)

BEFORE

Kazaarwe, J

CASE / FILE NUMBER

Miscellaneous Application 2834 of 2023

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THE REPUBLIC OF UGANDA

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IN THE HIGH COURT OF UGANDA AT KAMPALA

(LAND DIVISION)

MISCELLANEOUS APPLICATION NO. 2834 OF 2023

(ARISING FROM CIVIL SUIT NO. 961 OF 2018)

M/S MARKETING SUPPORT SERVICES LTD

VERSUS

<table>

ADMINISTRATOR GENERAL RESPONDENT

Before: Hon. Lady Justice Olive Kazaarwe Mukwaya

RULING

The Applicant, M/S Marketing Support Services Ltd, seeks for leave to be granted for a third party notice to be issued against the Respondent who is not a party H. C. C. S No.961 of 2018.

By way of background, sometime in December 1997, the Respondent, Administrator General of Uganda, was registered on the Certificate of Title of the land comprised in LRV 15 1415 Folio 1 Plot-3793 Kyadondo Block 244, land at Muyenga as Administrator of the Estate of the Late Yosamu Kamanyire Atwooki – vide Administration Cause No. 379 of 1993.

In the same month and year, the Applicant, M/S Marketing Support Services Ltd was registered on the title.

Presently, High Court Civil Suit No. 961 of 2018 is a pending suit which consolidated H. C. C. S No. 961 of 2018 and H. C. C. S No. 930 of 2022. The Plaintiff, Mr. Kiggundu Moses is suing six (6) Defendants including the 5th Defendant, M/S Marketing Support Services Ltd, for a declaration that the land at Muyenga comprised in Kyadondo Block 244 Plot 3793 Volume 1415 Folio 1, belongs to him and among other things, an order directing the

\$25\$

$\$S$

Defendants jointly and/or severally to pay general damages for fraudulent acquisition of the suit land.

The Respondent, the Administrator General opposes this Application on grounds that it is no longer the Administrator of the Estate of the late Atwooki.

In rejoinder, the Applicant maintains that the doctrine of privity of contract demands that $\$S$ the Administrator General be the rightful party to whom the third party notice should issue.

ISSUE

Whether a third party notice ought to issue as prayed by the Applicant?

DETERMINATION OF ISSUE

Order 1 Rule 14 of the Civil Procedure Rules provides: \$10\$

14. Notice to third party

- (1) Where a defendant claims to be entitled to contribution or indemnity over against any person not a party to the suit, he or she may, by leave of the court, issue a notice (hereafter called a "third party notice") to that effect.
- (2) The leave shall be applied for by summons in chambers **ex parte** supported by affidavit. 15
- (3) A copy of the notice shall be filed and shall be served on such person according to the rules relating to the service of a summons.

- (4) The notice shall state the nature and grounds of the claim and shall, unless otherwise ordered by the court, be filed within a time limited for filing his or her defence.
- (5) The notice shall be in or to the effect of Form 23 in Appendix A to these Rules with such \$20\$ variations as circumstances require, and a copy of the plaint shall be served with the notice.

I have perused the submissions of the Counsel for the parties which I have appreciated for being helpful. My attention was drawn to Annexure "C" to the Application titled "Transfer of Land." It is dated 29th August 1997. The subject matter land described as

Block 244 Plot 3793, area 0.268 hectares' land at Muyenga. 25

I shall reproduce it in part below:

"Transfer of Land

The Administrator General of Uganda, of P. O Box 7151, Kampala being the Registered Proprietor of the land comprised in the above Register, DO HEREBY transfers all the said land to M/S MARKETING SUPPORT SERVICES, of P. O Box 1, KAMPALA a purchaser of the estate of DR KAMANYIRE YOSAMU ATWOOKI (deceased) to hold for all my interest therein.

DATED AND SEALED AT KAMPALA THIS 29th DAY OF August 1997 BY THE
ADMINISTRATOR GENERAL

signed..... ADMINISTRATOR GENERAL"

I am persuaded that this document read together with the entries on the certificate of title 10 to the consolidated suit property and their prayers in the amended plaint thereunder, justify the issuance of the third party notice to the respondent from whom the Applicant derived their interest in the suit property.

In conclusion, I hereby grant this Application and order as follows:

1. A third party notice hereby issues against the Administrator General for the \$15\$ contribution/indemnity of M/S Marketing Support Services Ltd, the 5th Defendant in **Civil Suit No. 961 of 2018.**
2. Costs in the Cause.

I so order.

\$\mathsf{S}\$

Olive Kazaarwe Mukwaya JUDGE 8th July 2025

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Prepared on 11 October 2026 · Esheria