

UGANDA / JUDGMENT

Mugerwa v Muzzha (Miscellaneous Application No. 2156 of 2024)

[2025] UGHC 250 (30 April 2025)

[2025] UGHC 250

COURT

High Court of Uganda

BEFORE

Kazaarwe, J

CASE / FILE NUMBER

Miscellaneous Application No. 2156 of 2024

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THE REPUBLIC OF UGANDA**IN THE HIGH COURT OF UGANDA AT KAMPALA**

(LAND DIVISION)

MISCELLANEOUS APPLICATION No. 2156 OF 2024

(ARISING FROM CIVIL SUIT No. 468 OF 2021)

BY

MUGERWA GEOFFREY-----, APPLICANT

VERSUS

MUZZHA ZEDEKIAH---, RESPONDENT

Before: Hon. Lady Justice Olive Kazaarwe Mukwava**RULING**

This Application is brought under section 98 of the Civil Procedure Act, Order 9 rule 27, Order 10 rule 1 and Order 52 rule 1 & 3 of the Civil Procedure Rules S.I 71-1 seeking for orders to set aside the ex parte judgment/decreed of this Court in Civil Suit No 468 of 2021 against the Applicant, stay of execution of the decree and costs of this application.

Mr. Mugerwa Geoffrey's grounds for this application are contained in his affidavit in support. His complaint is that he was never served with summons to file a defence nor any court summons. A lapse which locked him out the proceedings. It is only when he was contacted by the Respondent who threatened to evict him that he came to learn of this suit.

This application is brought to remedy what the Applicant refers to as the Respondent's fraud and allow the matter to be heard on its merits.

The Respondent, Mr. Muzza zedekiah, vehemently opposed the application. He averred that Mr. MugeMa was duly represented by M/S Ambrose Tebyasa & co' Advocates' A

s joint Written Statement of Defence was filed on the 23'd June 2021 by the law firm' They represented both Mr. Mugerwa and Millennium Estates Developers Ltd' the Defendants to the suit.

I find that, whereas the Respondent continues at length from this point to list other reasons why this application lacks merit, I find that the existence of Mr. Mugerwa's Written Statement of Defence on this Court's record is more than sufficient to demonstrate that his affidavit contained a blatant lie. This fundamental untruth immediately rendered his application untenable and unmerited. Affidavits containing falsehoods reflect their maker's absolute lack of interest in the truth. And since truth is the only acceptable currency in a Court of law, persons who go out of their way to deliberately deceive the Court are not welcome. See: *Besigye Kiiza v Museveni Yoweri Kaguta and Another* [2001] UGSC 3.

Accordingly, this application is dismissed with costs having been premised on an affidavit containing a fundamental falsehood'

tl

Olive Kazaarwe Mukwaya JUDGE 30th April 2025

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