

UGANDA / JUDGMENT

Musebeni Baguma v Commissioner Land Registration and Another (Miscellaneous Application 219 of 2021) [2023] UGHCLD 153 (21 June 2023)

[2023] UGHCLD 153

COURT

HC: Land Division (Uganda)

BEFORE

Nkonge, J

CASE / FILE NUMBER

Miscellaneous Application 219 of 2021

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THE REPUBLIC OF UGANDA

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IN THE HIGH COURT OF UGANDA AT KAMPALA

LAND DIVISION

MISC. APPL. NO. 219 OF 2021

(Arising from H. C. Civil Appeal No. 40 & 41 of 2010, arising from Mukono Civil *Suit No. 557 & 576 of 2007)* 10

LAWRENCE MUSEBENI BAGUMA ::::::::::::::::::::::::::::::

VERSUS

1. THE COMMISSIONER LAND REGISTRATION

2. THE COMMISSIONER MAPPING

& SURVEYING :::::::::::::: RESPONDENTS

BEFORE: LADY JUSTICE ALEXANDRA NKONGE RUGADYA

RULING:

In this application, Mr. Lawrence Baguma sought consequential orders against Commissioner Land Registration & Commissioner Mapping and surveying.

The applicant filed this application seeking orders that:-

- 1. In consequence of a court decree and Orders in H. C. Civil Appeals No. 40 & 41 of 2010, the respondents do issue the applicant a Certificate of Title for the decretal land measuring approximately 1.5 acres comprised in Kyaggwe Block 92 Plot 166 at Namwezi, (hereinafter called "the suit land").
- 2. Costs of this application be provided for. 30

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- The grounds of this application were contained in the attached affidavit of \$\mathsf{S}\$ LAWRENCE MUSEBENI BAGUMA, the applicant and generally summarized as
- 1. The applicant was made the first defendant in Civil Suit No. 576 of 2007 in the Chief Magistrate' Court at Mukono, vide Namugala David Vs Mubiru Ssalongo David & Musebeni Baguma Lawrence.
- 2. The applicant was also plaintiff in Civil Suit No. 557 of 2007 vide Lawrence Musebeni Baguma Vs Mubiru David Ssalongo.
- 3. The Chief Magistrate's Court made a finding that the present applicant 15 (defendant) was a trespasser to the land in issue.
- 4. The applicant aggrieved as defendant appealed to the High Court of Uganda Land Division at Kampala Vide H. C Civil Appeals No. 40 & 41 of 2010 (Lawrence Musebeni Baguma Vs Namugala David &
- 5. The High Court presided over by Hon. Lady Justice Monica Mugenyi on 16th November, 2012 ruled that the appeal succeeded in part with various orders, inter alia granted an order for specific performance for Mubiru Ssalongo David as the 2nd respondent to duly transfer to and surrender the land title for **Block 92 Plot 166** to the appellant.

In consequence of the orders made by this court on 16th November, 2012, the applicant therefore sought that **Plot 166 Block 92** be reinstated and the sub divisions made against it cancelled.

The applicant's claim was that before the judgment and from the time of judgment, the applicant had and has had uninterrupted possession enjoyment use and control of the land decreed by court. that it was therefore just and fair

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⁵ that the orders herein sought be granted so that the decree of this court is not made in vain.

In the decree issued on appeal dated 16 November, 2022, the following were the orders:

- the 2nd respondent is in breach of the sale agreement dated. 6th June, 2005 in respect of land, comprised in Block 92 plot ⁷² situated at Namwezi, Mutumba III, Kigumba County in East Buganda in Mukono District. 1
- 2. The 2nd respondent to pay to the appellant general damages of ²⁰ million for breach of contract with interest of 8% per annum from date of judgment till payment in full
- 3. The 2nd respondent is not entitled, to balance of 200,000/= owing to his breach of contract.
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- 4. The appellant granted an order of specific performance to the 2nd respondent to duly transfer to and surrender the title to Block ⁹² Plot 766 to the appellant less 0.25 acres sold and transferred to the 2nd respondent.
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- 5th The appellant is a trespasser to the suit land of 0.25 acres and the 2nd respondent is entitled to vacant possession.

6, Costs are awarded. with 1/3 of costs to the appellant and. 2/3 of the costs to the respondents both in High court and. in the lower court.

specifically noted was the order of specific performance which required the 2nd respondent to transfer and surrender the title, for Block 92, plot 766 to the 1st respondent/applicant, less 0.25 acres sold and transferred to the 1st respondent.

Thus under this application filed by the decree holder this court called for the title for **Plot 1389 Block 92** for verification since the holder of the title had not been made party to the application MA No. 219/2021.

The verification was done through the office of the Registrar of this court and the title was handed over to the Registrar of this court on 6th January, 2023.

By this order therefore, the respondents in this application are directed to take the proper and necessary steps to ensure that the orders of this court dated 16th November, 2012, are duly executed within thirty days of the date of receiving this ruling.

15 No costs awarded.

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Alexandra Nkonge Rugadya

JUDGE

21st June, 2023

Delivered by examile
21/6/2023
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