

UGANDA / JUDGMENT

**Nafula and Another v Semugengyi and
Another (Misc Cause No. 19 of 2023)
[2023] UGHCLD 23 (10 February 2023)
[2023] UGHCLD 23**

COURT

HC: Land Division (Uganda)

BEFORE

Nkonge, J

CASE / FILE NUMBER

Misc Cause No. 19 of 2023

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THE REPUBLIC OF UGANDA**IN THE HIGH COURT OF UGANDA AT KAMPALA****LAND DIVISION****MC. NO. 19/2023: (Ex-parte)****1. EDNA BRENDA NAFULA MUKASA ::::::::::::::::::::::::::::::****2. KAYONDO LORENZO CYPRIAN 10****VERSUS****ISMAIL SEMUGENYI: ::::::::::::::::::::::::::::::****KAKAIRE ADAM MULONDO****BEFORE: HON. LADY JUSTICE ALEXANDRA NKONGE RUGADYA 15****\$10/2/2023.\$****Present in court:**

Counsel Masiga Collin: for the (applicants).

The applicants are the defendants in Civil Suit No. 361 of 2018 and registered owners of land comprised in **Block 189 Plots 607 and 761** land at 20 Seeta. (Suit land).

This application is brought under section 98 of CPR. It seeks to allow the applicants, registered proprietors of suit land to deploy private security guards to watch over the suit land part of which hosts the applicants' burial grounds.

That application should be allowed as it does not prejudice any side; and only 25 intended to safe guard the property from vandalism.

The grounds of the application are contained in Affidavit of Edna, Brenda Nafula Mukasa and Evarist Muhumuza, who respectively are registered proprietors of suit land and Directors of Security Company, which was engaged to watch over the land.

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RULING BY COURT: (Ex-parte).

This is a formal application by the counsel for applicants. A pre-trial locus was conducted by this court on 26th September, 2022 at which it was duly established by this court that there were burial grounds belonging to the applicants and their siblings who are not party to the suit.

The application arises out of **Civil Suit No. 361 of 2018** which was filed by 10 the plaintiffs against the applicants. Details of the prayers sought are on court file.

During the pre-trial locus it was also established that the security company; Champion Security Services Ltd was already based on the ground. In the presence of both sides they (applicants) had raised their concern which as court had directed at that time were reduced in form of an application.

Section 98 of the CPA under which this application was brought gives power to this court to make any such orders, as I now hereby do, necessary to meet the ends of justice.

The respondents were fully aware of the presence of the security company on 20 this land and its continued presence intended to preserve the property in the current status. In the view of court their continued presence shall not impede access to justice by the plaintiffs.

Accordingly the order to allow the said security company shall remain until the determination of the main suit or until further orders are made by court.

I so order.

$\$S$

Alexandra Nkonge Rugadya

\$10/2/2023.\$ 30

JUDGE

Debbased on \$10/2/2023\$ by email
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