

UGANDA / JUDGMENT

Namagera v Kuteesa (Miscellaneous Application 646 of 2024) [2024] UGCommC 251 (25 July 2024)

[2024] UGCommC 251

COURT

Commercial Court of Uganda

BEFORE

Tumusiime Rubagumya, J

CASE / FILE NUMBER

Miscellaneous Application 646 of 2024

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5 THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA
(COMMERCIAL DIVISION) MISCELLANEOUS APPLICATION NO. 0646 OF 2024
(ARISING OUT OF MISC. APPLICATION NO.0267 OF 2024) 10 (ARISING OUT OF
CIVIL SUIT NO.0193 OF 2024) NAMAGERA

NULU ::: APPLICANT VERSUS KUTEESA
PATRICK ::: RESPONDENT 15 BEFORE: HON. LADY
JUSTICE PATIENCE T. E. RUBAGUMYA

RULING

Introduction

This application was brought by way of Notice of Motion under Article 289

20 (12) of the Constitution of the Republic of Uganda, 1995, Section 98 of the Civil Procedure Act and Order 52 of the Civil Procedure Rules, SI 71-1, seeking orders that:

- 1. The Respondent be committed to the civil prison for contempt of a Court order issued by this Court on 26th March, 2024.
- 25
- 2. Costs of the application be provided for.

Background

The background of the application is contained in the grounds of the application as detailed in the Applicant's affidavit in support and 30 summarized below:

- 5 1. That the Applicant is the registered proprietor of land comprised in Kyadondo Block 265 Plot 10132, land at Bunamwaya and the Respondent in Misc. Application No.0267 of 2024, pending before this Court.
- 10 2. That the Applicant has enjoyed quiet possession of land comprised in Kyadondo Block 265 Plot 10132.
- 3. That when the above application came up for hearing on 26th March, 2024, the Respondent herein, orally sought an interim order, which 15 the Court granted.
- 4. That the above order sought to maintain the status quo pending the determination of the main application on 26th April, 2024.
- 20 5. That in utter contempt of the interim order, on 27th March, 2024 or thereabout, the said Respondent invaded the land and or property comprised in Kyadondo Block 265 Plot 10132 and started altering the status quo by digging a pit latrine, dismantling the existing Applicant's structure, bringing cement and concrete poles for fencing 25 off the land as well as deploying goons on the land among others.
- 6. That the Respondent's actions call for punitive measures by committing him to civil prison.

A supplementary affidavit by Mr. Lumala Christopher (a participant in the 30 transaction of the suit land) further supported the application contending that, after the transaction, he handed over vacant possession of the said land to the Applicant and further introduced her to the Local Council 1 Authorities.

2 That on 27th March, 2024, he was called by the Applicant to accompany 35 her for the inspection of the suit property. That upon reaching the said

- 5 property, they found some men on the land, who had dug a pit latrine and constructed a shelter thereon, brought some construction materials like cement, and fencing concrete poles, and dismantled and modified the constructed store by removing the used iron sheets. That they reported the matter to Bunamwaya Community Police and a reference was obtained
- 10 from there on the same day and that the same items were recovered and taken into Police custody along with some two men.

In reply, the Respondent deposed an affidavit opposing the application on grounds that:

- 1. This application is incompetent and a nullity since it does not meet 15 the required standards provided by law, it is frivolous, vexatious, constitutes gross abuse of the Court process and is tainted with material falsehoods.
- 2. Civil Suit No.0193 of 2024 was filed against the Applicant and 20 another party for inter alia, a declaration that the sale of the Plaintiff's property comprised in Kyadondo Block 265 Plot 10132 situated at Bunamwaya was unlawful; a declaration that the purchase by the 2nd Defendant (the Applicant herein) of the said property was unlawful and an order setting aside the purported sale.
- 3. Miscellaneous Application No.0267 of 2024 was heard, the locus in quo visit conducted on 19th April, 2024 and the ruling in respect of the same, which was scheduled for 25th April, 2024 before His Worship John Paul Edoku is still pending.
- 4. The Respondent instructed his lawyers to apply for an extension of the said interim order which was duly granted by this honourable Court on 13th May, 2024.
- 5 5. The Respondent has always been in possession of the suit land and the Applicant herein is aware of the same vide Miscellaneous. Application No.0264 of 2024, which he filed in this Court, seeking a temporary injunction restraining the Respondents in the aforementioned application from mortgaging, selling, transferring 10 and/or trespassing on his property, to which a ruling is still pending.
- 6. The allegations in paragraphs 7, 8 and 9 of the affidavit in support of the application are unfounded as the suit property is in the same state as it was at the time when this Court issued the said interim 15 order.
- 7. After the Court granted the interim order, the Applicant herein obtained the services of Uganda Police, trespassed on the suit land and went ahead to arrest his workers, Mr. Ssempijja Sayid and 20 Muzafaru, who are the caretakers of his estate which includes the suit land, pending the determination of the dispute between the parties herein.
- 8. The Applicant is the one liable for contempt of Court orders, when 25 she, on 27th March, 2024, obtained the services of the Police, LC1 Chairperson and the Bailiff Lumala Christopher, trespassed on the suit land and arrested his workers yet she was aware of the existence of the Court order.
- 30 9. The application has failed to establish contempt of Court orders and thus is baseless, void of merit and uttermost abuse of the Court process which warrants a dismissal with costs to the Respondent.

5 In reply to Mr. Lumala Christopher's affidavit, the Respondent reiterated his averments as contained in the affidavit in reply to the affidavit in support of the application.

The Applicant deponed an affidavit in rejoinder contending that:

- 1. The Respondent is not and has never been in possession of the 10 suit land. That the Applicant took possession of the suit land immediately after the sale/purchase agreement was executed and transfer of the suit land effected. That she was introduced to the local Authorities and construction on the suit land commenced hence effectively extinguishing the Applicant's presumed 15 possession.
- 2. The Respondent does not adduce evidence demonstrating his possession save for the photos taken soon after the interim injunctive orders on 27th March, 2024. That at the time of 20 applying for the temporary injunction, no such photos in proof of his possession were attached. That the status quo was altered on 27th March, 2024 or soon thereafter before the locus quo visit and the same was observed on 19th April, 2024.
- 25 3. The LC1 Chairperson through a telephone interview confirmed that the Applicant was in possession of the suit land with clear documentation from municipal Authorities and none of the purported workers of the Respondent could recall when they were introduced on the land.

5 Representation

The Applicant was represented by **M/s Ssemwanga, Muwazi & Co. Advocates** and the Respondent was represented by **M/s Nexus Solicitors and Advocates**.

Both parties were directed to file their written submissions, and they 10 complied and the same have been considered by Court.

Issue for Determination

Whether the Respondent was in contempt of the Court order issued on 26th March, 2024?

- 15 The Respondent also raised the following preliminary objections:
- 1. That the application is incompetent since it does not meet the requirements under **Order 5 rule 1(5) of the Civil Procedure Rules**.
- 2. That the application is frivolous and vexatious and it is an abuse of the Court process.
- 20 3. That the affidavits in support of the application are tainted with material falsehoods.

As provided for under **Order 6 rule 28 of the Civil Procedure Rules**, a point of law that is pleaded when so raised is capable of disposing of the suit, except that by consent of the parties or by order of the Court on the 25 application of either party, the point of law may be set down for hearing and disposed of at any time before the hearing.

As to whether to dispose of a preliminary point of law first before hearing the merits of the matter, the Supreme Court in the case of **Uganda**

30 **Telecom Ltd Vs ZTE Corporation SCCA No.3 of 2017** held that a trial

- 5 Court has discretion to dispose of a preliminary point either at or after the hearing. However, that the exercise of the discretion depends on the circumstances of each case.
- 10 It is therefore trite that where there is a preliminary objection capable of disposing of the matter in issue, it is judicious to first determine the said objection before embarking on the merits of the case. Considering the above provisions, I shall proceed with the determination of the above preliminary objections.
- 15 Preliminary Objection 1

Whether this application is a nullity for not meeting the requirements under Order 5 rule 1(5) of the Civil Procedure Rules?

Respondent's submissions

Counsel for the Respondent submitted that Order 5 rule 1(5) of the Civil

20 **Procedure Rules** dictates that every such summons shall be signed by the Judge or such officer as he or she appoints, and shall be sealed with the seal of the Court.

Counsel quoted the cases of *Nyanzi Muhammad Vs Nassolo Harriet & Others Misc. Application No.14 of 2021 and Kinyara Sugar Limited* 25 *Vs Kyomuhendo Pamela Misc. Application No.61 of 2020,* in which the Court emphasized mandatory compliance with **Order 5 rule 1(5) of the**

Civil Procedure Rules.

Counsel then submitted that, on 18th April, 2024 the Applicant served the Respondent with an unsigned, undated and unsealed copy of this 30 application. That they informed Counsel for the Applicant of the same and on 18th June, 2024, the Respondent was served with a dated copy but without the signature of the Registrar and the seal of Court. Counsel

5 reiterated that this application is incompetent and a nullity for offending **Order 5 rule 1(5) of the Civil Procedure Rules** and ought to be dismissed with costs.

Applicant's submissions

In reply, Counsel for the Applicant contended that the case law relied on 10 by Counsel for the Respondent for the proposition that an application without a signature and seal of the Court is a nullity is distinguishable from the present facts.

Counsel for the Applicant submitted that in the instant application, the application was filed on ECCMIS on 18th April, 2024 and a blind copy of 15 the same was served on to the Respondent's Counsel pending admission, signing, allocation of a hearing date and sealing.

That the same was not acted upon by the Respondent's Counsel. That since the initial Registrar was transferred, Counsel carried out all possible due diligence and the matter was admitted, signed, sealed and the same

20 served onto the Respondent on 18th June, 2024 as evidenced by the affidavit of service. That it was then on 28th June, 2024 that Counsel for the Respondent acted on the same.

Counsel referred this Court to a paper on the transition from manual to digitalized Court process titled: **The migration to ECCMIS presented at**

25 the 24th annual Judges conference that took place on 30th January-2nd February, 2023 at Mestil Hotel, page 10 of 13, in which Hon. Justice Fredrick Martin Egonda Ntende acknowledged lack of full control of the e-file.

Given the above, Counsel submitted that the cases cited by Counsel for 30 the Respondent relate to the old system before ECCMIS where it was easy

- 5 to have documents signed unlike the current system which is impersonal and every intervention is digitalized with minimal influence and control. That in the instant case, the Respondent was not prejudiced by the service on 18th June, 2024 and there was no negligence or dilatory conduct on the part of the Applicant.
- 10 Analysis and Determination

Order 5 rule 1(5) of the Civil Procedure Rules provides that:

"Every such summons shall be signed by the Judge or such officer as he or she appoints, and shall be sealed with the seal of the court."

15 From the above, it is a mandatory requirement that all summons issued by the Court must be signed and sealed. As held in several cases including the cases cited by Counsel for the Respondent, non-compliance with the above provision renders such summons defective.

In the instant case, as per the Court record and as explained by Counsel

20 for the Applicant, the application was signed by the Assistant Registrar on 18th June, 2024 via ECCMIS and assigned a hearing date of 19th June, 2024.

Considering the above, I find the signed Notice of Motion on ECCMIS in compliance with **Order 5 rule 1(5) of the Civil Procedure Rules**.

25 Therefore, I find no merit in this preliminary objection and the same is hereby overruled.

5 Preliminary objections 2 and 3

Whether this application is frivolous, vexatious, constitutes a gross abuse of the Court process and whether the Applicant's affidavits contain falsehoods?

The submissions by Counsel for the Respondent for the above preliminary 10 objections are premised on allegations that the orders sought were inexistent until 26th March, 2024, that there is no substantial cause and that the affidavits in support contain falsehoods regarding whether there were structures on the suit land or not. The arguments go to the root of the application; hence I shall consider them under the main issue for

15 determination.

Issue for Determination

Whether the Respondent was in contempt of the Court order issued on 26th March, 2024?

20 Applicant's submissions

Counsel for the Applicant relied on the **Osborne's Concise Law Dictionary, P.102 A Thompson Company**, which is to the effect that:

"*Contempt of court consists of conduct which interferes with the administration of justice or impedes or perverts the course of* 25 *justice. Civil contempt consists of a failure to comply with a judgment or order of a court or breach of an undertaking of court*."

Counsel also quoted the case of *Housing Finance Bank Ltd & Anor Vs Edward Musisi Civil Application No.158 of 2010*, in which the Court of Appeal discussed contempt of Court.

5 Counsel further quoted the case of *Stanbic Bank (U) Ltd & Another Vs The Commissioner General, URA MA No. 0042 of 2010*, in which **Hon. Justice Irene Mulyagonja** (as she then was), basing her definition on **Halsbury's Laws of England, Vol. 9 (1) 4th Edition**, stated that:

"*Contempt of Court can be classified as either (1) criminal* 10 *contempt, consisting of words or acts which impede or interfere with the administration of justice, or which create substantial risk that the course of justice will be seriously impeded or prejudiced; or (2) contempt in procedure, otherwise known as civil contempt, consisting of disobedience to the judgments, orders, or other* 15 *process of Court and involving a private injury*."

Counsel then alluded to the principles considered in establishing contempt to include; the existence of a lawful order, the potential contemnor's knowledge of the order, and the potential contemnor's failure to comply, that is disobedience of the order. Counsel submitted that in the present 20 case, the Respondent filed MA No. 0267 of 2024 and the learned Registrar issued an interim order maintaining the status quo until 25th April, 2024, when MA No. 0267 of 2024 was to be determined. However, with knowledge of the existence of the said ruling, the Respondent deployed goons who interfered with the status quo by dismantling the store thereon, 25 delivering cement for construction and concrete poles, and digging a pit latrine among others.

Counsel contended that it is clear from the chronology of events that there is the existence of a lawful Court order known to the Respondent but he chose to interfere with the order which sought to maintain the status quo 30 at the time the interim order was granted as reflected under paragraph 7 of the affidavit in support.

- 5 Counsel further contended that it is their evidence that the Applicant was until 27th March, 2024, in actual possession of the impugned land, a fact that was verified by the local Authorities and supported by the authorization letter from Makindye Saabagabo Municipal Council. That the same was verified by this Court during the locus in quo visit and
- 10 corroborated by the affidavit of one Mr. Christopher Lumala in paragraph 3 of his affidavit. In conclusion, the Applicant prayed to Court to find the Respondent in contempt of Court.

Respondent's submissions

Counsel for the Respondent while referring to the case of ***Richard Odoi***

15 ***Adome Vs Uganda Electricity Generation Company Limited MA No.1088 of 2022***, first alluded to the standard of proof in contempt cases as one beyond reasonable doubt. Counsel for the Respondent also alluded to the requirements in proof of contempt as portrayed in the case of ***Sarah Nyakato Vs Lin Jeng Liang aka Lin Jeff & 5 Others MA No.317 of* 20 *2022***.

Regarding the existence of a lawful order, Counsel for the Respondent submitted that the Respondent applied and obtained an interim order dated 26th March, 2024, restraining the Applicant and another, their agents, servants, employees, assignees, legal representatives and 25 successors in title from selling, mortgaging, alienating, transferring, wasting, constructing, cultivating or entering into, carrying on any activities or in any way interfering with the status quo of the suit land. That the order was extended until the determination of Misc. Application No.0267 of 2024.

5 As to whether there was knowledge of the above order, Counsel submitted that it is undisputed that both parties have at all times participated in the prosecution of the matter and the order was issued inter-parties.

Regarding the element of the contemnor's ability to comply, Counsel quoted the case of ***Richard Odoi Adome Vs Uganda Electricity***

10 ***Generation Company Limited (supra)***, in which **Hon. Justice Stephen Mubiru** held that a civil contemnor can avoid sanctions if he can show that it is impossible to comply with the Court order.

Counsel submitted that the Applicant herein was able to comply with the above order but she failed to illustrate the limitations on her capacity to 15 comply with the order.

As to whether the Applicant failed to comply with the order, Counsel alluded to the Applicant's affidavit in support whereupon she disclosed that on 27th March, 2024, after the issuance of the Court order, she procured the services of the Police at Bunamwaya Community Police who

- 20 together with a one Christopher Lumala, went on the suit land, arrested the Respondent's employees and removed his properties that were on the land which were kept at Bunamwaya Community Police vide SD REF 14/27/03/24. That the same was confirmed by Mr. Lumala Christopher in his affidavit.
- 25 Counsel further submitted that the properties were later released after the Police realized that the Respondent was rightly in occupation of the suit land and his caretakers were released.

Relying on the case of **Makerere University Vs Omumbejja Namusisi Farida Naluwombe Namirembe MA No.658 of 2013**, Counsel submitted

5 that the status quo to be maintained would be that at the time of the issuance of the order.

That in the instant case, the status quo was that the Respondent was in possession of the suit land and had various structures and building materials kept thereon. That he also had caretakers occupying the suit 10 land which is confirmed by the Applicant's testimony in the affidavit and also the locus in quo visit.

Applicant's submissions in rejoinder

In rejoinder, Counsel for the Applicant reiterated the earlier submissions and added that the Respondent came onto the suit land on 27th March, 15 2024 to distort the structures established thereon and introduced objects that were alien including cement, concrete poles and digging of a pit latrine. That the Respondent's assertion that he has been in possession of the suit land is an afterthought as he only relied on the photos presented by the Applicant. Pertaining the contradictions between her testimony and

- 20 that of Mr. Lumala Christopher, Counsel submitted that, the 2nd witness' role was limited to facilitating the purchase and ensuring that the Applicant takes quiet possession. That he only came in to rid the land of strange grabbers. Counsel also referred to the case of **National Water and Sewerage Corporation Vs Okecho Don William MA No. 200 of* 25 *2021**, to emphasize the seriousness of disregarding Court orders and the case of **Richard Odoi Adone Vs Uganda Electricity Generation Company Limited (supra)**, for the proposition that a civil contemnor can only avoid sanctions if he can show that it is impossible to comply with the Court order.
- 30 Counsel insisted that it was the Respondent who disregarded the Court order as the Applicant has a right to the land.

5 Analysis and Determination

I have carefully considered the grounds of the application, the affidavit in support, reply and rejoinder, the law and the parties' submissions in arriving at this decision.

According to **Halsbury's Laws of England, 4th Edition page 284, 10 paragraph 458:**

"*it is a civil contempt of Court to refuse or neglect to do an act required by a judgment or order of the Court within the time specified in the judgment, or to disobey a judgment or order requiring a person to abstain from doing a specific act*."

- 15 It has also been described in several cases in our jurisdiction such as the case of *Andrew Kilama Lajul Vs Uganda Coffee Development Authority and 2 Others Misc. Application No. 324 of 2020* in which **Hon. Justice Ssekaana Musa** stated that:
- "*Contempt of Court often referred to simply as 'contempt', is the* 20 *offence of being disobedient to or disrespectful toward a Court of law and its officers in the form of behavior that opposes or defies the authority, justice and dignity of the Court*."

His Lordship Ssekaana Musa went ahead to classify contempt in two categories that is; one being disrespectful to legal authorities in the 25 Courtroom and the other, willfully failing to obey a Court order.

In the instant case, the Applicant is alleging failure to obey the Court order by the Respondent.

As laid out in the cases of *Prof. Fredrick Ssempebwa and 2 Others Vs The Attorney General SCCA No. 5 of 2019* and *Hon. Sitenda Sebalu*

- 5 *Vs The Secretary General of the East African Community Ref. No.8 of 2012*, to prove contempt, the complainant must prove the following:
- 1. The existence of a lawful order.
- 2. The potential contemnor's knowledge of the order.
- 3. The potential contemnor's ability to comply.
- 10 4. The potential contemnor's failure to comply.

It was also stated in the case of *Hon. Sitenda Sebalu Vs The Secretary General of the East African Community (supra)* that the standard of proof in contempt proceedings must be higher than proof on the balance of probabilities, and almost, but not exactly, beyond reasonable doubt.

- 15 As to whether there was an existing lawful order and whether the Respondent was aware of the same, it is evident and undisputed that on 26th March, 2024 through an oral application by the Respondent herein, **His Worship John Paul Edoku** granted an interim order in MA No. 0267 of 2024 in the presence of both Counsel for the Applicant and Respondent 20 together with the Respondent and the Applicant herein. The said order stipulated that:

- *a)* "An interim order is issued restraining the Respondents, their agents, servants, employees, assignees, legal representatives and successors in title from selling, mortgaging, alienating,* 25 *transferring, wasting, constructing, cultivating or entering into, carrying on any activities or in any way interfering with the status quo of the suit land comprised in Kyadondo Block 265 Plots 10132, 10133 and 10134 at Bunamwaya until 25th April, 2024 when Miscellaneous Application No.0267 of 2024 will be determined by* 30 *this Honourable Court; and*
- 5 b) *That the status quo is maintained until the 25th of April, 2024 when Miscellaneous Application No.0267 of 2024 will be determined*."

Accordingly, I find ingredients 1 and 2 undisputed as proved by the Applicant and the affidavit in reply; hence there is an existing Court order and the Respondent knew of the existence of the order.

10 Concerning whether the potential contemnor had the ability to comply with the order and whether he failed to comply;

The general principle is that a person cannot be held in contempt without knowledge of the Court order as was held in the case of *Jack Erasmus Nsangiranabo Vs Col. Kaka Bagyenda and The Attorney General MA* 15 *No. 671 of 2019.*

In the case of *Hodkinson Vs Hodkinson (supra)*, **Romer LJ** relied on the case of *Church Vs Cremer (1 Coop Temp Cott 342)* and held that:

> "a *party who knows of an order whether null or valid, regular or irregular, cannot be permitted to disobey it as long as it existed.*"

- 20 The same was re-echoed in the case of *Housing Finance Bank Ltd & Another Vs Edward Musisi (supra)*, wherein the Court of Appeal held inter alia that a party who knows of an order cannot be permitted to disobey it. The order must be complied with in totality and in all circumstances.
- 25 In the case of *Andrew Kibalama Lajul Vs Uganda Coffee Development Authority (supra)*, **Hon. Justice Ssekaana Musa** while relying on the case of *Housing Finance Bank Ltd & Another Vs Edward Musisi (supra)*, stated that:

5 "The principle of law is that the whole purpose of litigation as a process of judicial administration is lost if orders by the Court through the set judicial process, in the normal functioning of the Courts are not complied with in full by those targeted and/or not to comply with such order*."

10 Hon. Justice Ssekaana Musa further stated that:

"The order must be complied with in totality in all circumstances by the party concerned subject to the party's right to challenge the order in issue in such a lawful way as the law permits*."

In the instant case, both parties are claiming possession of the suit 15 property. (See: paragraph 6 of the affidavit in support and 10 of the affidavit in reply).

As portrayed by annexure "C" to the affidavit in reply, the Respondent herein vide MA No. 0267 of 2024, sought an order of a temporary injunction against the Applicant herein, restraining her and any other

20 party from dealing with the suit land until the determination of Civil Suit No.0193 of 2024, against her for the determination among others that her purchase of the suit property was unlawful.

On 26th March, 2024, through an oral application by the Respondent herein, the Applicant, her agents, servants, employees, assignees, legal 25 representatives and successors in title, were restrained from mortgaging, alienating, transferring, wasting, constructing, cultivating or entering into, carrying on any activities or in any way interfering with the status quo of the suit land comprised in Kyadondo Block 265 Plots 10132, 10133 and 10134 at Bunamwaya. The Court further ordered that the status quo of 30 the suit land be maintained.

- 5 The Respondent denies any contempt contending that the suit property is in the same state as it was at the time when the above order was issued. That the structures were in existence before the grant of the order in issue. Further that the Applicant obtained the services of the Police to arrest caretakers of his estate including the suit land. The Respondent further
- 10 contended that he even filed a complaint with the Police for trespass. In evidence, he attached annexure "E" (the said complaint) to the affidavit in reply. The Respondent instead alleges that it is the Applicant in contempt.

I have also considered the photos attached to the affidavit in support showing wooden poles, and bags of cement in an iron sheet structure as 15 evidence of the contempt. The said photos are disputed by the Respondent contending that, the structures and items therein, were already on the suit property before the grant of the interim order. I have observed that the structures in the photos in issue are the same structures appearing in the photos taken by the Court during the locus in quo visit.

- 20 The Applicant has not provided any convincing evidence in support of the allegation of contempt of Court. An analysis of the said photos does not confirm how the suit land looked before and after the order nor do they show that the Respondent altered the status quo of the land. To that effect, without any credible evidence, it would be unjust to hold the Respondent
- 25 in contempt.

Furthermore, I have noted that the order was extended by Court on 13th May, 2024 until the determination of MA No. 0267 of 2024 or until such further orders of Court. Type text here

As reflected in the above principles, Court orders are not granted in vain. 30 The orders are to be fully complied with in all circumstances by the party

5 concerned subject to the party's right to challenge the order in issue in such a lawful way as the law permits.

The parties should accordingly comply with the Court order dated 27th March, 2024 which was extended by Her Worship Christa Namutebi vide the order dated **16th May, 2024**.

10 In conclusion, considering the above, I do not find the Respondent in contempt of Court. In the premises, this application is dismissed. The costs of this application shall be in the cause.

It is so ordered.

Dated, signed and delivered electronically via ECCMIS this **25th** day of

15 July, 2024.

Patience T. E. Rubagumya **JUDGE** 25/07/2024 20 6:30am

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Prepared on 14 October 2026 · Esheria