

UGANDA / JUDGMENT

**Ssembajjwe v Ssembajjwe and 3
Others (Civil Suit No. 276 of 2018)
[2023] UGHCLD 101 (18 April 2023)
[2023] UGHCLD 101**

COURT

HC: Land Division (Uganda)

BEFORE

Nkonge, J

CASE / FILE NUMBER

Civil Suit No. 276 of 2018

Source: ulii.org · Research copy typeset by Esheria. Not court-issued or certified.

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

LAND DIVISION

crvrL suIT No.276 0F 2018

5 SSEMBAJJWE EMMANUEL ::::::::::::::33::::::::: PLAINTIFF

VERSUS

SSEMBAJJWE MARY SAMALIE & 3 OTHERS ::::::33::::l::::: DEFENDANTS

BEFORE: Ladu Jttstice Alexandra Nkonqe Ruaadga

DISMISSAL ORDER

This suit was filed on 25th April, 2018, by Mr. Sembajjwe Emmanuel against Mrs. Ssembajjwe Mary Samalie and three others.

- ¹⁵ The hearing initialty took off on 11th September, 2020, io the presence of the plaintiff himself as well as the 1 st and 2"d defendants. Following some discussions on that day, the parties agreed to carry out a survey of the suit land comprised formerly in Kgadondo Block 720, Ptot 707 at Kqbuuza which had been subdivided.

- ²⁰ As directed, a survey report was to be filed. This court also advised the parties to settle the matter out of court and also directed that in case of failure to find an amicable settlement, the plaintiff was to generate a joint scheduling memoraldum and all trial bundles were to be filed.

,kry 1,

Other directives were made at the next hearing which required that by 14ttt September, 2020 aJl witness statements were to be hled on record.

Since then it has been more than two and half years and although the survey exercise was conducted, the plaintiff whose duty it was to initiate the compliance

5 with the directives of court and mal<e a follow up for the conclusion of this case did not turn up today, 18th April, 2023 to explain why there was non-compliance.

Counsel Muhamood Kakeeto, representing the 1st and 2nd defendants and a-lso holding brief for Counsel John Patrick Muganga for 3'd defendant attended court together with the 1st, 2nd and 3.d defendants. There is no explanation formal or otherwise on record as to why the plaintiff or his counsel are absent.

Counsel Kakeeto on that basis moved court to proceed under O, 9 rule 22 oJ CPR and have the suit dismissed.

09 Rule 22 oJ CPR provides that where the defendant appears and the plaintiff does not appear when the suit is ca-1led for hearing the court shall make an order that the suit be dismissed. The provision is mandatory.

I am also inclined to believe that the plaintiff has since lost interest in the prosecution of this suit and I accordingly dismiss it under O.9 Rule 22 of CPR, with costs to the 1st - 3rd defendants.

I so order.

a Alexandra Nko Rugadga

JUDGE

l&h Aprtl" 2023.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ulii.org/akn/ug/judgment/ughcld/2023/101/eng@2023-04-18>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/ssembajjwe-v-ssembajjwe-and-3-others-civil-suit-no-276-of-2018-2023-ughcld-101-18-april-2023-unknown-topic-unknown-court-2023>

Prepared on 14 October 2026 · Esheria