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

CIVIL APPLICATION NO. 15 OF 2017

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**(CORAM: KISAAKYE; ARACH-AMOKO; MUGAMBA; TUHAISE; CHIBITA;
JSC)**

**(An application arising out of Civil Application No. 11 of 2017 arising
from Civil Appeal No. 17 of 2014)**

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BETWEEN

**TAYEBWA ROBERT APPLICANT
AND**

CRESENSIO MUKASA..... RESPONDENT

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RULING OF COURT

This is an application brought by Notice of Motion under Rules 2(2),
6(2) (b), 42(1 and 2), 43(1) and 50 of the Judicature (Supreme Court)
Rules, seeking the following reliefs:

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- (a) An order for stay of execution of the judgment and orders
of this Court entered in Civil Appeal No. 17 of 2014 delivered on
the 6th day of April, 2017 pending the disposal of Civil Application

5 No. 11 of 2017, seeking for orders to review the judgment entered
in Civil Appeal No. 17 of 2014.

(b) Costs of this application.

The applicant swore an affidavit in support of the Notice of Motion.
The respondent opposed the application and filed an affidavit in
10 reply.

The background to this application as accepted by this Court is as
follows:

The respondent brought HCCS No. 382 of 1987, in the High Court at
Masaka in his capacity as the holder of letters of administration of the
15 estate of the late Guisite Nakaima against Yakobo M. N. Senkungu,
James Kenjura, John Rwakamuranga, Giradesi Katonya, and Yohana
Rwakaaro, for orders that the certificate of title of Yakobo M.N
Senkungu be cancelled. The ground for this prayer was that the
names of the defendants were entered on the register fraudulently.
20 Guisite Nakaima had died on the 13th day of June, 1941 leaving
behind two pieces of land situate in Mawogola, namely Block 30, plot
No. 1 at Kabagoma of about 641 acres and Block 31, plot No. 1 at
Ntyazo of about 623 acres.

The respondent on obtaining Letters of Administration in 1986 sought
25 to transfer the land into his name only to discover that the
proprietorship of the said land had already changed. The certificate
of title which was exhibited in court showed that on the 3rd day of
August 1978, under instrument **No. MSK 54168**, one Peter Ssekasiko was