

**THE REPUBLIC OF UGANDA  
IN THE COURT OF APPEAL OF UGANDA AT KAMPALA  
CIVIL APPEAL NO. 040 OF 2014**

**BUKENYA HENRY:.....APPELLANT**

**VERSUS**

**REMODE ENTERPRISES LTD:.....RESPONDENT**

*(Appeal from the decision of the High Court of Uganda at Kampala (Land Division) before Murangira, J. dated 19<sup>th</sup> September, 2013 in Civil Suit No. 0405 of 2011)*

**CORAM: HON. LADY JUSTICE ELIZABETH MUSOKE, JA  
HON. LADY JUSTICE CATHERINE BAMUGEMEREIRE, JA  
HON. MR. JUSTICE STEPHEN MUSOTA, JA**

**JUDGMENT OF ELIZABETH MUSOKE, JA**

I have had the advantage of reading, in draft, the judgment of my learned sister Bamugemereire, JA. I am grateful to my sister for ably setting out the facts, the grounds of appeal, and the submissions for either side, and I shall not reproduce those matters in this judgment. In this judgment, I only wish to briefly set out the reasons for the conclusions that I would reach in this matter.

I shall begin by noting that at the trial, the appellant and respondent presented conflicting cases, as will be seen below.

**Respondent's facts**

The respondent's facts were that on 28<sup>th</sup> July, 2011, the respondent Remode Enterprises Ltd advanced a loan of Ug. Shs. 70,000,000/= to Mr. Matovu Richard on terms set out in an agreement signed on that date. According to Remode, Matovu pledged land and a house situated in Ochieng Zone, Nansana in Wakiso District as security for the loan. It appears that Matovu failed to adhere to the terms of the loan agreement. On 19<sup>th</sup> October, 2011, Remode sued Matovu and other persons who were indicated as guarantors for recovery of the outstanding money.

