

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
LAND DIVISION
MISCELLANEOUS APPEAL NO.0020 OF 2023
ARISING FROM MISCELLANEOUS APPLICATION NO.499 OF 2023
ARISING FROM CIVIL SUIT NO.194 OF 2023

DDAMULIRA RONALD SANDE & 61 OTHERS ----- APPELLANTS
VERSUS

1. LOGIC REAL ESTATES & DEVELOPERS LTD

2. OJAMBO MAYENDE DAVID

3. FRED KAKANDE ----- RESPONDENTS

4. MUTABARUKA INNOCENT

5. UGANDA LAND COMMISSION

6. ATTORNEY GENERAL

RULING

BEFORE HON. LADY JUSTICE KANYANGE SUSAN

This was an appeal brought under S.98 and 79 (1) and b of the Civil Procedure Act Cap.71 and S.33 of the Judicature Act.

It is for orders

1. The learned Assistant Registrar's Order declining to grant the Temporary Injunction in Misc. Application No.499 of 2023 was contrary to the facts and the law governing temporary injunctions.
2. That the learned Assistant Registrar's order dismissing the application for the temporary injunction be set aside

3. That Misc. Application No.499 be allowed and the orders sought in the terms

- a. A temporary injunction be issued prohibiting the respondents/defendants their agents, employees, contracted companies or any person/ entity acting on their behalf from evicting applicants, any construction, grading, putting demolishing of any house, construction of any perimeter wall, developing, building on the suit land comprised on land falling or comprised in No.7 FHRV WAK532, folio 2 land at Kirinya Wakiso Kyadondo Block 242 plot 1169 area A 14640 hectares FHRV WAK 552 folio 3 land at Kirinya Wakiso, Kyadondo Block 242 plot 1170 area 75410 hectares FHRV WAK 552 Folio 4 land at Kirinya Wakiso, Kyadondo Block 242 plot 1171 area 19040 hectares, FHRV WAK 552 Folio 6 land Kirinya Wakiso, Kyadondo Block 242 plot 1173 area 1.4850 hectares FHRV WAK 552 folio 7 land at Kirinya Wakiso, Kyadondo Block 242 plot 174 area 1.2780 hectares FHRV WAK 552 folio 8 land at Kirinya Wakiso, Kyadondo Block 242 plot 1178 area 13080 hectares FHRV WAK 552 folio 10 land at Kirinya Wakiso, Kyadondo Block 242 plot 1177 area 8260 hectares and FHRV WAK 552 folio 12 land at Kirinya Wakiso, Kyadondo Block 242 plot 1179 area 18790 hectares which is registered in name os 1st respondent FHRV WAK 552 folio 9 land at Kirinya Wakiso, Kyadondo Block 242 plot 76 area 15620 hectares which is registered in the names of the 2nd respondent. FHRV WAK 552 land at Kirinya Wakiso, Kyadondo block 242 plot 3 area 0.4840 x 2471 hectares which is registered in the names of the 3rd respondent FHRV 1466119 land at Kirinya Wakiso Kyadondo Block 242 plot 118 area 2.415 hectares which is registered in the names of the 4th respondent until the disposal of the main suit



b. Costs of the main suit

The grounds of the appeal are set out in affidavit of the 1st applicant but briefly they are;

They are dissatisfied with the ruling by His Worship Kintu Simon Zirintusa dismissing their application for temporary injunction.

That the Trial Registrar erred in law and fact when he insinuated that the three grounds for grant of temporary injunction must be proved.

Further to this that the appellants failed to prove threat of eviction and that their loss can be atoned in damages and be compensated. That the Assistant Registrar erred when he based on the fact that the appellants failed to prove their possession and developments on the land and refused to preserve the subject matter till conclusion of the case.

That the Assistant Registrar misapplied the facts of the case and law and found in favour of dismissing of the application. He also misled himself about the law governing temporary injunctions and it's in interest of justice that application is allowed.

The 1st and 4th respondents in reply averred that the applicants have no locus to apply for, or obtain any injunction in respect of their respective properties and they failed to prove they have an interest. That they did not prove they are currently being forced to vacate the land. Further to this the Assistant Registrar rightly found that government is capable of compensating them in case they are found to have an interest. The applicants did not prove irreparable loss or injury and mere assertion of possession without proof is unsatisfactory.