

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA**  
**MISCELLANEOUS APPLICATION NO.309 OF 2023**  
***(Arising from Company Cause No.002 of 2023)***

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**UGANDA MUSLIM SUPREME COUNCIL:.....APPLICANT**

**VERSUS**

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- 1. BABIRYE YUDAYA**
  - 2. BURHAN NAMANYA**
  - 3. HUSSEIN**

**SSIMBWA:.....RESPONDENTS**

**Before: Lady Justice Alexandra Nkonge Rugadya.**

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**Ruling.**

This application brought by motion under the provisions of **Section 33 of the Judicature Act, Cap.13, Sections 82 & 98 of the Civil Procedure Act, Cap.71 and Order 52 rules 1, 2, & 3 of the Civil Procedure Rules SI 71-1**, seeks the following:

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***1. The orders under the judgment of court delivered on 12<sup>th</sup> December, 2023 in Company Cause No.002 of 2023 be reviewed, varied and set aside;***

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***2. An order quashing all the proceedings and resolutions passed on 16<sup>th</sup> & 17<sup>th</sup> December 2023 at Ggangu Muslim Primary School pursuant to the orders granted by court in Company Cause 002 of 2023;***



### **3. Costs of the application be provided for.**

#### **Grounds of the application:**

The grounds upon which this application is premised are contained in the affidavit in support thereof, the details of which are on the court record.

5 When this matter came up for hearing on 21<sup>st</sup> December, 2023, counsel for the applicant made a prayer that this court issues an order restraining the respondents from further execution of the orders in **Company Cause No.002 of 2023**; and for court to suspend the execution and implementation of the resolutions passed on 16<sup>th</sup> & 17<sup>th</sup> December 2023 at Ggangu Muslim Primary  
10 School.

From the record, the application was filed in Jinja High Court circuit on 19<sup>th</sup> December, 2023. An *ex parte* application was made and heard vide **MA No. 306 of 2023** by court presided over by Dr. Winfred N. Nabisinde on 18<sup>th</sup> December, 2019.

15 An interim order was issued preventing further execution and implementation of the orders in **Company Cause No.002 of 2023**. The order was to have effect until 22<sup>nd</sup> December, 2023.

By that order neither **MA No. 306 of 2023 and MA No. 307 of 2023 (main application)** and present application were all placed before the Principal  
20 Judge for further management.

However, neither **MA No. 306 of 2023 and MA No. 307 of 2023** which arise out of an appeal pending before the Court of Appeal had at the time of hearing this matter been served onto the intended respondents. According to the counsel for the respondents, they only had instructions to represent the  
25 respondents in regard to this application for review, and not the other 2 applications.

Regarding the present application, counsel appearing for the respondents informed court that the respondents who are residents of Jinja were only served yesterday, 20<sup>th</sup> December 2023 for today's hearing through the firm of

