THE REPUBLIC OF UGANDA IN THE COURT OF APPEAL OF UGANDA AT KAMPALA

CIVIL APPEAL: COA-00-CV-EPP-0007-2020

VERSUS

HABIB BUWEMBO::::::RESPONDENT

CORAM:

HON. JUSTICE CHRISTOPHER MADRAMA, JA HON. LADY JUSTICE IRENE MULYAGONJA, JA HON. LADY JUSTICE MONICA MUGENYI, JA

RULING OF THE COURT

When this appeal was called on for hearing, the respondent appeared to represent himself. The appellant and his advocate were both not in court, in spite of the fact that they were served with notice of the hearing for the 2nd September 2021 and an affidavit of service showing that they were served filed in court.

The respondent complained that the hearing of the appeal had been delayed and it was his opinion that the appeal was now moot because the electoral cycle to which it related had expired. He was also afraid of the continued burden of advocates cost in the event that the matter proceeds.

He therefore prayed that since the appellant was served and was not in court, pursuant to the statement in the hearing notice that the appeal would proceed in the absence of parties served, the matter be dismissed.

We have seen the affidavit of service that was sworn by Eunice Nabwire, a process server, dated the 30th August 2021, in which she states that she effected service on counsel for the appellant, who accepted service.



The costs of the appeal is hereby dismissed under rule 100 (1) of the Rules of the costs of the appeal shall be borne by the appellant, in any event.

Dated at Kampala this 2nd day of September 2021

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HON. JUSTICE CHRISTOPHER MADRAMA, JA

HON. LADY JUSTICE IRENE MOLYAGONIA. JA

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HON. LADY JUSTICE MONICA MUGENYI, JA