

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**LAND DIVISION**  
**CIVIL SUIT NO. 895 OF 2017**

**1. OMAR AHMED**  
**2. HASSAN AHMED**  
**3. HUSSEIN AHMED ::::::::::::::::::::::::::::::::::: PLAINTIFFS**

**VERSUS**

**PATRICK MASAMBU ::::::::::::::::::::::::::::::::::: DEFENDANT**

**Date: 7/4/2021**

**Time: 10.00 a.m.**

**BEFORE: LADY JUSTICE ALEXANDRA NKONGE RUGADYA:**

**RULING:**

This matter was fixed and cause listed for hearing today, 7/4/2021 at 9.30 a.m. None of the parties however is in court. On **19/9/2021** counsel Stanley Omony for the plaintiffs, had written to this court asking for a date of hearing.

The matter had proceeded exparte against the defendant, following his failure to file WSD. A locus visit was fixed after the formal proof was conducted on 29/8/2019. On 12/12/2019 a consent was entered between the parties whereupon the plaintiffs conceded to a late filing of the WSD.

The exparte proceedings were subsequently set aside, as per order of this court dated 17/12/2019. The ruling was delivered on 2/7/2020. The WSD was filed on 7/7/2020. Since then, no other action has taken place. The plaintiff did not file any rejoinder to the WSD. The presumption is that they admitted to the statements in the defence.

In light of the fact that there was no rejoinder and indeed no further follow up on this matter almost one year later, I take it therefore that the plaintiffs have since lost interest in pursuing the matter any further.

I accordingly dismiss it under **Section 17(2) (a) Judicature Act Cap 13.**

  
Alexandra Nkonge Rugadya  
**JUDGE**

**7/4/2021**