

THE REPUBLIC OF UGANDA
IN THE HIGH COURT AT KAMPALA
LAND DIVISION

MISCELLANEOUS APPLICATION NO. 1377 of 2020

(Arising out of Civil Suit No. 550 of 2020)

PHILLIP MIKE KATAMBA.....APPLICANT

VERSUS

MAGIMBI FAROUQ & 13 OTHERS.....RESPONDENTS.

Before: Lady Justice Alexandra Nkonge Rugadya

RULING

Introduction:

This application was brought under **section 98 of the Civil Procedure Act, Cap.71; and Order 1 rr3 and 13 of Civil Procedure Rules S.I No. 71-1.**

It seeks orders that the 1st respondent, Mr. Magimbi Farouck be added as the 2nd defendant in **Civil Suit No. 550 of 2020**; and for costs to be provided for.

Grounds of the application:

The grounds are provided in detail in the affidavit of support of the application sworn by Mr. Phillip Mike Katamba, the registered owner of land comprised in **Kyadondo Block 97, plot 44 at Busimbo.**

The applicant is represented by **M/S Kabuusu Muhumuza & Co. Advocates.** The respondents on their part are represented by **M/S Sanywa Wabwire & Co. Advocates** and **M/S JN Katerega Advocates & Legal Consultants.**

The respondents did not file any objection to this application. I am also not able to find an affidavit of service on the record. However, I have come across a letter with attachments *A to D*, filed in court on 20th April, 2021 by the applicant's counsel.

Among the attachments is *Annexure D'*, correspondence by **M/S Sanywa Wabwire & Co. Advocates**, dated 18th January, 2021 addressed to the Deputy Registrar Court of Appeal, referring to this application and to four copies of the signed consent orders sent to that office. No other details were availed under that communication. *Annexure C'* dated 18th December, 2020, is another letter by counsel for the applicant herein, concerning this application and addressed to both counsel for the respondents.

It refers to the directives of this court issued on 9th December, 2020 and to yet an earlier letter by the plaintiffs/respondents, dated 19th October, 2020, by which they had expressed willingness to consent to this application.

Although I have not been able to find any signed consent orders regarding this application, the exchanges
5 on record prove that counsel for the respondents were both aware of this application but chose not to file any objection to it.

I therefore consider this application as uncontested.

Costs in the cause.

Parties to attend court for further directives.

17/9/2021 at 2.30 pm Anthony G.

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Anthony
Alexandra Nkonge Rugadya

Judge

25th August, 2021.

Delivered by email
Anthony
28/8/2021