

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA
[LAND DIVISION]

MISC. APPLICATION NO.1914 OF 2020

AND

MISC. APPLICATION NO. 1913 OF 2020

(ARISING OUT OF CIVIL SUIT NO. 1067 OF 2020)

SOPHIE NALUMIL ::::::::::::::::::::APPLICANT

VERSUS

1. M/S STANBIC BANK
2. SSENIGA JAMES BULESA.....RESPONDENTS

BEFORE: HON. MR. JUSTICE HENRY I. KAWESA

RULING

I have permitted the application.

I note that under Civil Suit No. 0423/2012 the parties entered a consent on 19th May 2014. The Applicant now in Misc. 217 of 2015 wants to set it aside or review the same. This application was filed on 20th March 2015.0000

I am aware that since the time of filing to date it is now a period close to 6 years when the Applicant was seated doing nothing on this said application.

The law envisages that any such application should take steps to have it prosecuted within the period of 2 years (for matters filed before

the 2019 amendment to O.17 r6 of the Civil Procedure Rules which now provides for 6 months under O.XIA r6 of the Civil Procedure Rules).

Now that this Court has been noticed that the Applicant this Court has been notified that Applicant seeks to reawake this application long since the law of non-prosecution caught up with her. This matter is stale and ought to have been dismissed as such 3 years ago.

The bringing of this application offends O.17 r6 of the Civil Procedure Rules and is an illegality. The law is that an illegality once drawn to the attention of Court, see *Makula International versus Cardinal Wamala Nsubuga* case.

This illegality over rides all other questions and cannot be allowed to stand.

In the result, this application is rejected. The suit and all those order are dismissed under O.17 r6 of the Civil Procedure Rules and section 17(2) of the Judicature Act to avoid abuse of process costs allowed to 1st Respondent

So I order.

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Henry I. Kawesa

JUDGE

6/05/2021

6/05/2021:

Nuwagira G for the Applicant.

Brian Kalule for the 1st Respondent.

Parties absent.

Matter is for ruling.

Ruling delivered to the parties above.

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Henry I. Kawesa

JUDGE

6/05/2021