

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA, AT KAMPALA
MISCELLANEOUS APPLICATION NO. 651 OF 2021
(Arising from Misc. Application No. 153 of 2020)
(Arising from Civil Suit No. 188 of 2021)

KIYAGA GEOFFREYAPPLICANT

VERSUS

**THE COMMISSIONER LAND
REGISTRATION.....RESPONDENT**

Before: Lady Justice Alexandra Nkonge Rugadya

RULING

The applicants filed the main suit, **HCCS No. 188 of 2016** which was later dismissed by this court for want of prosecution.

Upon an application filed by the plaintiffs/respondents, the suit was however reinstated on 12th January, 2021, vide **MA No. 1502 of 2020**.



The applicant herein later filed an application **MA No. 153 of 2021**, seeking among others, an order to dismiss the suit for being *res judicata*.

5 In its ruling delivered on 17th March, 2021, court decided the matter in favour of the applicant, hence the present application for consequential orders.

The affidavit in support was deponed by Mr. Kiyaga Geoffrey laying out the grounds for the application.

10 Briefly, on 25th November, 2020 two of the respondents, Mr. Kiggwe and Ms Robinah Ndikoya lodged a caveat on the land comprised in **Kanyanya Block 207, plot 1005**, after the suit had been filed, and while it was still pending determination by this court.

15 On 17th March, 2021 the suit was dismissed vide **MA No. 153 of 2021**. The applicant claims therefore that since the caveators' respondents' interests over that land had been determined by court, they no longer had interest in the land onto which the caveat had been lodged.

20 He also contends that upon request to the Commissioner, Land Registration, he had been advised to obtain a consequential order from this court, for vacating the caveat, which remedy flows from the ruling vide **MA No. 153 of 2021**.

In light of the fact that circumstances under which the caveat had been lodged have since changed, there is no more ground to justify the continued existence of the caveat on the suit land.



I would grant this application and accordingly direct the Commissioner, land registration to remove the caveat lodged on the land at Kanyanya comprised in **block 207 plot 1005**.

No cost awarded.

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Alexandra Nkonge Rugadya

Judge

15th April, 2021.

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