

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

MISC. APPLICATION NO: 1016 OF 2020
(ARISING OUT OF MISC. APPLICATION NO: 1784 OF 2017)
(ARISING FROM CIVIL SUIT NO: 884 OF 2017)

1. NKAMBWE CHRISTOPHER
2. NONDO MUHAMMAD:.....APPLICANTS

VERSUS

1. SHEEBA STEVEN
2. NAKALEMA NAZUULA JUSTINE:.....DEFENDANTS
(Administrator and Administratrix of the estate of the late Nathan Kituuse)

BEFORE: HON. MR. JUSTICE HENRY I. KAWESA

RULING:

I have perused the application. I have internalized the submissions on record. I am of the view that this application should fail. The reasons are that, on issue 1, it is a fact that the actions complained of were a consequence and effect of the order issued by Court order following the dismissal of CS NO: 884/2017 and decree issued upon which consequential order were granted on 02/05/2019.

This set in motion actions including removal of caveats and the temporary injunctive orders existing there on. By the time main suit

was reinstated on 28th November 2019, and the Applicant moved this Court for reinstatements of the *status quo*, a lot had been set in motion giving rise to the actions complained of.

I therefore agree with Counsel for the Respondents that these actions do not amount to contempt. They were only the result of a change in the *status quo* following the dismissal of the main suit and the subsequent consequential orders of Court.

This finding sufficiently answers all complaints under issues 1, 2, 3, and 4. I do not find the Respondents in contempt of these Court's order. I do however take note of the *status quo*, and direct Respondent's to desist from any actions that temper with the status quo.

Let it remain as is until determination of the main suit. The application is accordingly dismissed.

Costs to abide the main cause. I so order.

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Henry I. Kawesa

JUDGE

28/04/2021

28/04/2021:

Kikomeko for the Applicants.

George Muhangi for the Respondents.

Respondents present.

2nd Applicant present.

The matter is for Ruling. We did not file a rejoinder. We pray that Court considers our submissions only.

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Henry I. Kawesa

JUDGE

28/04/2021

MISC. APPL. NO. 1016-20-NKAMBWE C. & ANOR VS SHEBA STEVEN & ANOR (RULING)