

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**(LAND DIVISION)**  
**CIVIL SUIT NO.571 OF 2020**

5    1. EDUBE ABDU

2. ABDITAM FAMI

MOHAMED:::PLAINTIFFS

**VERSUS**

1. ISMAIL MOHAMED

10    2. LUBEGA MOHAMED

3. CHRISTOPHER MUBIRU

KISINGIRI:::DEFENDANTS

**Before: Justice Alexandra Nkonge Rugadya.**

**Ruling.**

15    This matter was filed on 19<sup>th</sup> August 2020. From the record, the 1<sup>st</sup> and 3<sup>rd</sup> defendants filed their respective WSDs on 1<sup>st</sup> September, 2020 and 2<sup>nd</sup> September, 2020 respectively. There is nothing on record to show that the 3<sup>rd</sup> defendant filed his written statement of defence.

On 2<sup>nd</sup> October, 2021, the 2<sup>nd</sup> defendant through his lawyers ***M/s Lukwago & Co. Advocates*** wrote to this court notifying the Deputy Registrar that the suit had since abated since the  
20    plaintiffs had not taken out summons for directions within the 28 days stipulated under ***Order XIA (2) of the Civil Procedure Amendment Rules 2019***; and prayed for the same to be dismissed.

The record upon perusal of the file however indicates that the plaintiffs had not taken out summons for directions since there is no evidence of the same. It is upon that basis that  
25    court on 10<sup>th</sup> November, 2021 ruled that the suit had indeed abated and dismissed the same under ***Order XIA (2) of the Civil Procedure Amendment Rules 2019***.

The plaintiffs through their lawyers ***M/s Mukiibi & Kyeyune Advocates*** by way of letter dated 12<sup>th</sup> November, 2021, notified this court that the plaintiffs had taken out the summons for directions on 14<sup>th</sup> December, 2021, within the statutory period and requested that the  
30    orders of this court dismissing the suit be set aside and the suit be reinstated.

This court has since established through the office of the Deputy Registrar that the plaintiffs had through their lawyers taken out summons for directions which had been filed on 14<sup>th</sup> December, 2020 but the same had been taken to the wrong chambers.

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In light of the above, I find that **Civil Suit No.571 of 2020** was dismissed inadvertently since it had not been aware of that fact.

Under **Section 98 of the Civil Procedure Act, Cap.71** this Court has power to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.

In the circumstances, the order dismissing **Civil Suit No.571 of 2020** is hereby discharged and the suit is accordingly reinstated.

No orders as to costs.

**I so order.**

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**Alexandra Nkonge Rugadya**  
**Judge**  
**13<sup>th</sup> April 2022**

Delivered by email  
Ankonge G.  
13/4/2022.