

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(LAND DIVISION)
MISCELLANEOUS CAUSE NO.0027 OF 2023

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PROSSY NABUGUZI:.....:APPLICANT

VERSUS

10 **SEMPA PATRICK:.....:RESPONDENT**

Before: Lady Justice Alexandra Nkonge Rugadya.

Ruling.

15 The brought this application under the provisions of **Section 98 of the Civil Procedure Act Cap.71, and Order 52 rules 1, 2, & 9 of the Civil Procedure Rules SI 71-1** seeking orders that;

- 20 **1. A consequential order be issued directing the respondent to submit to this court a certificate of title for land at Kyanja-Kampala comprised in Block 195 plot 3056 as ordered by this court on 29th April 2016 vide Civil Suit No.148 of 2013 (now Civil Suit No.891 of 2017);**
2. **Costs of the application be provided for.**

Grounds of the application:

25 The grounds upon which the application is premised on are contained in the affidavit in support thereof deponed by Ms. Prossy Nabuguzi, the applicant


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herein who stated *inter alia* that on 29th April 2016, this court issued an order in **Civil Suit No.148 of 2013**.

I have carefully read the arguments by both sides and I have noted that an order among others were issued by the court in the family division which
5 directed the respondent herein to submit to this court the certificate of land of **land at Kyanja-Kampala comprised in Block 195 plot 3056** (*hereinafter referred to as the 'suit land'*) before 31st May 2016.

It is not in dispute that the respondent was not party to **Civil Suit No.148 of 2013**. It is also not in contention that another suit **Civil Suit No.891 of**
10 **2017** in which the respondent was a party was dismissed on 16th October, 2020 for want of prosecution; and **Miscellaneous Application No.36 of 2021** for its reinstatement was dismissed on 18th April, 2023.

Under **order 22 rule 7** where a holder of a decree desires to execute it, he or she shall apply to the court which passed it. The applicant herein therefore
15 seeks execution of an order that was issued by the family division, vide **Civil Suit No.148 of 2013** which issued the orders which the applicant seeks to enforce.

The application is therefore improperly before this court and is therefore dismissed.

20 It is therefore dismissed with costs.

I so order.



25 **Alexandra Nkonge Rugadya**

Judge

24th May, 2023

Delivered by email
Alexandra

24/5/2023