THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA

(CIVIL DIVISION)

CIVIL APPEAL NO.169 OF 2016

AUGUSTINE SSEMAKULA---------- APPELANT

VERSUS

1. **LAW COUNCIL DISCIPLINARY COMMITTEE**
2. **FORMER WORKERS OF DIARY CORPORATION----------RESPONDENTS**

CORAM: HON LADY JUSTICE H. WOLAYO

HON LADY JUSTICE LYDIA MUGAMBE

HON. MR. JUSTICE SSEKAANA MUSA

JUDGEMENT

The appellant filed an appeal to the High Court challenging the Ruling and Orders of the Law Council Disciplinary Committee of 28th October 2016.

The ruling arose out of the orders of the Constitutional Court in Miscellaneous Application No. 342 of 2015 arising out of Constitutional Petition No. 05 of 2014 Ssemakula Augustine vs AG & Law Council, which had directed that the issue of accountability of the money he (appellant) received for his client could be determined by the court under section 34 of The Civil Procedure Act.

The appellant raised six questions for determination by the Disciplinary Committee of the Law Council as hereunder;

- Whether the execution is not premature when the orders of the Disciplinary Committee were subject to tax; in light of HCCS No. 252 of 2011,Ssemakula & Co Advocates vs URA?

- Whether execution for refund of money totalling UGX 6,536,149,983/= to complainants/Beneficiaries is enforceable against the Respondent having already paid UGX 2,835,485,349/=?
- Whether the Complainants can be entitled to costs in the 4 suits when they incurred none, but all the costs and disbursements were born by the respondent?
- Whether the respondent is liable to pay UGX 2,948,600,000/= that was paid and duly received by Co-Counsel M/s Kampala Solicitors as per instructions given to the respondent by the plaintiffs?
- Whether the respondent should be made to refund UGX 90,000,000/= that was paid to the bailiffs?
- Whether the issue of retaining 10%as opposed to 30% or 35% as legal fees by the respondent requires to state a case for the opinion of the High Court under section 61 of the Civil Procedure Act?

The disciplinary Committee of the Law Council heard and determined all the above questions and accordingly allowed the application for execution and attachment of the respondent's property to proceed.

Background

The appellant represented 2nd respondents in four suits; HCCS No. 614 of 2003 Morris Ogwal and Otai Samuel vs Diary Corporation Ltd; HCCS No. 814 of 2003 Agono Charles vs Diary Corporation Ltd; HCCS No 800 of 2003 Otai Samuel and Ogono Charles vs Diary Corporation Ltd and HCCS No. 883 of 2004 Behangana Richard & Mugisha Fred vs Diary Corporation Ltd.

All these suits were settled by consents judgments dated 28th July 2006. The respondent pursuant to a Memorandum of Understanding with the Government of Uganda received a payment of 10,215,185,303/= on his office bank account No. 01400270095802 with Stanbic Bank.

When the appellant produced his accountability to the complainants, the same was wanting and irregular. It included some of the plaintiffs who had not been paid but they appeared as paid whereas their cheques had bounced.

The 2nd respondent filed a complaint with the 1st Respondent against the appellant for failure to account for the monies received and being fraudulent in the conduct of his business as an Advocate.

The Disciplinary Committee of the Law Council found that an award of 10% of the gross award would be reasonable and adequate remuneration to counsel to cater for his fees and all disbursements including joint Counsel if found necessary.

The 1st respondent further found in their ruling that the appellant colluded with the representatives of the complainants and cheated them of their hard earned money and that the acts of the appellant were fraudulent and constituted conduct unbecoming of an advocate.

The Disciplinary Committee also noted that they were aware that before the respondent could pay out all the monies to the respective beneficiaries, Uganda Revenue Authority issued an Agency Notice to the managing director of the appellant's bankers' and a total of shs 2,332,079,803/= was removed from the appellant's client's account and given to Uganda Revenue Authority.

The appellant was given the following sentence and orders;

1. Subject to tax, Advocate Semakula Augustine refunds all the monies from the complainants and retains only 10% of the gross award the same being the reasonable legal fees in the circumstances of the case.
2. The remuneration agreements entered into by the respondent and the complainants' representatives are declared illegal and unenforceable.
3. Advocate Semakula Augustine shall forthwith pay to the complainants shs 3,000,000/= as costs to the complainants.
4. Advocate Semakula Augustine shall forthwith pay the sum of shillings 2,000,000/= as costs to the Law Council Disciplinary Committee.
5. Advocate Semakula Augustine is suspended from legal practice for a period of two years with effect from the date hereof.

The appellant appealed against the decision of the 2nd respondent to High Court vide Civil Appeal No. 53 of 2012, but the appeal was dismissed for having been filed out of the stipulated time.

The appellant filed an application for judicial review in the High Court, against the decision of the 1st respondent on grounds of illegality, irrationality and procedural impropriety. However, the court made a finding that the proceedings and ruling of the 1st respondent were not ultra vires, not illegal, had no procedural impropriety and were not in abuse of the laws of natural justice.

Subsequently, the applicant filed Constitutional Petition No. 05 of 2014 in the Constitutional Court on allegations that he had suffered and is likely to continue to suffer infringement of his fundamental rights as a result of the 2nd respondent's (Law Council), and was also challenging the Constitutionality of some sections of the Advocates Act, Cap 267. As noted earlier it was out of this matter that an application for stay of execution arose that resulted in framing of questions that the Disciplinary Committee of the Law Council was tasked to address as issues arising out of execution.

At the hearing of this appeal the court directed the parties to file written submissions which were duly filed by the parties and we have considered them in our Judgement.

Representations

The appellant was represented by *Mr Nsubuga Kenneth Ssebagayunga* while the respondent was represented by *Ms Jackline Amusungut* holding brief for *Imelda Adong* and *Ms Stella Nyandria*.

Grounds of Appeal

The appellant has set out six grounds against the ruling of The Disciplinary Committee of the Law Council in his memorandum of Appeal as hereunder;

1. That the Law Council Disciplinary Committee erred in law and fact to order execution to order execution against the appellant before High Court Civil Suit No. 252 of 2011, Ssemakula & Co Advocates vs URA is disposed of yet their orders in ruling dated 31st August 2012 were subject to tax.

2. That the Law Council Disciplinary Committee erred in Law and fact to order the appellant to refund all the costs of UGX 756,590,610/= to the former workers of Diary Corporation when they incurred none in the prosecution of cases.

3. That the Law Council Disciplinary Committee erred in law and fact to order the appellant to refund UGX 2,948,600,000/= that was paid and duly received by Co-Counsel Bernard Tibesigwa of M/s Kampala Solicitors as per written instructions given to the appellant.

4. That the Law Council Disciplinary Committee erred in law and fact to order the appellant to refund UGX 90,000,000/= that was paid to the bailiffs.

5. That the Law Council Disciplinary Committee erred in law and fact when they reduced the appellants agreed legal fees of 30% to 10% as legally executed remuneration agreement.

6. That the Law Council Disciplinary Committee erred in law and fact when in its ruling refused/declined to state a case for the opinion of the High Court as far as the legality of the remuneration agreement in question concerned as requested by the appellant.

Duty of Court

This is first and last Appeal and this court is charged with the duty of reappraising the evidence and drawing inferences of fact.

Secondly, this appeal arises out of the decision made by the Law Council Disciplinary Committee as an Executing court under **Section 34 of the Civil Procedure Act** which provides as follows;

All questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree, shall be determined by the court executing the decree and not a separate suit.

The underlying object of this provision is to provide cheap and expeditious remedy for the determination of certain questions in execution proceedings without recourse to a separate suit and prevent needless and unnecessary litigation.

The proceedings arising out of this decision should not be used as an appeal against the original ruling of the Disciplinary Committee since the said appeal was dismissed by this court. Therefore any grounds that fall out of this ambit should not be considered in this appeal.

In our view it appears that with the exception of ground one of the memorandum of appeal, the rest of the grounds are not questions that are to be determined by the executing court and their consideration by that Committee amounted to sitting in their own matter as an appellate court since the appellant was attacking the original ruling of the Disciplinary Committee.

It would appear that the appellant disguised the questions for determination by the executing court as a new window of appealing against the decision of the same Committee. Indeed the Committee in its ruling did not address those grounds and was only alluding to its earlier ruling of 31st August 2012.

The appellant in his Memorandum of Appeal set out 9 grounds of appeal in Civil Appeal No. 53 of 2012 and they all rotated around his failure to account for clients' monies and disallowing of remuneration agreements.

a) The Law Council erred in law and fact when it found the appellant was guilty of professional misconduct and acts unbecoming of an Advocate.
b) The Law Council erred in law and fact when it found that the appellant had failed to account for client's money.
c) The Law Council erred in law and fact when it declared remuneration agreements lawfully entered into between the appellant and his clients as to fees illegal and unenforceable.
d) The Law Council erred in law and fact when it disregarded specific clients' instructions to the appellant to negotiate and enter into a consent judgment.

e) The Law Council erred in law and fact when it imposed duties on the applicant that was supposed to be undertaken by the representatives of the 1st respondent.
f) The Law Council erred in law and fact when it interfered with and determined fees and costs.
g) The Law Council proceedings were marred with Malice and violated the principles of natural justice.
h) The Law Council erred in law and fact when it disregarded the indemnity and Ratification agreements lawfully executed by the 1st respondents.
i) The Law Council failed to properly evaluate the evidence before it thereby reaching a wrong conclusion.
j) The Law Council erred in law and fact in passing a sentence to suspend the appellant for two years.

This appeal was dismissed after the appellant had filed the same out of time. The appellant has attempted to change the above grounds of appeal into questions arising out of execution.

Legal Arguments

Ground One

Whether the Execution is not premature when the orders of the Disciplinary Committee where subject to tax, and in light of HCCS No. 252 of 2011, Ssemakula & Co Advocates vs URA

Counsel for the appellant has submitted that Judgement in the said High Court suit against URA has not yet been delivered. So any execution of any orders requiring the appellant to pay money to the complainants', would be premature as the Committee rightly said that such payments were subject to tax an issue still to be determined by the High court in the above suit.

Counsel further submitted that if execution is done before the judgement, any mathematical adjustments envisaged by the Committee in its ruling would be rendered impracticable.

The Disciplinary Committee in addressing this issue properly addressed their mind to this submission at page 2 of the ruling as follows;

> *We agree with him to the extent of the attached monies by Uganda Revenue Authority amounting to shs 2,332,079,803/= only. It would be grossly unjust to allow an attachment from the Respondent with regard to such monies when he doesnot have ot or did not benefit from the same. It is now in the hands of Uganda Revenue Authority and there is pending case which is meant to determine whether terminal benefits are taxable, HCCS No. 252 of 2011, Ssemakula vs URA……..The dilatory conduct of the applicant/respondent in disposing of the HCCS on the pretext that there is another Supreme Court case of Hassan Kajura vs URA which would have a disposal effect of HCCS No. 252 of 2011 should not bog down the respondent's/Complainants in the enjoyment of the fruits of this Committee's ruling. Be that as it may, this Committee's Ruling of 31st August 2012 was to the effect that;*
>
> "**Subject to tax, Advocate Semakula Augustine refunds all the monies from the complainants and retains only 10% of their gross Award**"
>
> *Assuming, we take the argument on tax and subtract shs 2,332,079,803/= from shs 10,215,185,303/= the total amount received by Advocate Semakula, this would leave us with a total of Shs 7,883,485,105,500/= when you deduct 10% as his fees amounting to shs. 1,021,518,530/= then the balance comes to shs 6,861,586,970/=.*
>
> *When you deduct Shs. 2,825,485,349/= which Advocate Semakula alleges to have paid to some of the complainants, you are left with an outstanding balance of shs. 4,026,101,621/= in respect of which it is our finding that execution would not be premature……"*

We have reproduced this part of the ruling extensively for the sole benefit of the appellant and we do not see any basis of the appellant's ground of appeal since it was ably addressed.

According to the adjustments made in the ruling of the Disciplinary Committee the appellant has an obligation to pay a sum of **Shs 4,026,101,621/=***(Four Billion. Twenty six million, one hundred one thousand and six hundred twenty one shillings)* which is uncontested after all adjustments are made to the original award or money received by the appellant of **10,215,185,305/=**.

We wish to note also that the Supreme Court case of **Uganda Revenue Authority vs Siraje Hassan Kajura SCCA No. 09 of 2015** was finally determined by that court on 20th December 2017 and court held that terminal benefits/compensation packages are taxable. This therefore brings the issue of money attached by URA from appellant to an end and we believe the appellant's case which is pending in the High Court is now determined and moot unless there were other issues outside those determined by the Supreme Court.

The appellant has also introduced through his submissions an issue of 800,000,000/= which was purportedly withdrawn by the representatives of the Former workers from URA which amount was the balance after deduction of the tax.

This is a new matter which did not arise from the grounds presented to the executing court for determination. The appellants shall not be allowed to argue an appeal on grounds that never arose before the trial court. In addition counsel for the appellant has now resorted to submitting evidence from the bar. This issue has never arisen throughout the proceedings and the same was never raised as an execution issue for determination.

We wish to note that this case has been in courts for over 10 years and litigation must come to an end. The appellant shall not be allowed to stretch the matter any further by coming up with different issues all the time. The appellant's plea that this court takes further evidence in a haphazard manner on appeal cannot be accepted.

This ground of appeal fails and since it was the only ground this court found to be raising execution issues.

In the interest of justice and for completeness, we shall consider the rest of the grounds of appeal even though they were outside the ambit of the issues arising out of execution.

That the Law Council Disciplinary Committee erred in Law and fact to order the appellant to refund all the costs of UGX 756,590,610/= to the former workers of Diary Corporation when they incurred none in the prosecution of cases.

The appellant contends that costs in any suit are for the advocate less the disbursements/money the client advanced to the advocate who represents the indigent person.

The respondents' on the other hand submitted that they adduced evidence to prove that the complainants had made payments towards disbursements and there was no evidence to the contrary.

The appellant does not state anywhere that the respondents never made any payments towards disbursements. This therefore means that the 2nd respondent is entitled to the said disbursements of 756,590,610/=

The appellant's agreement did not state that the respondent never paid any disbursement but rather that "***the plaintiffs deposit on fees to engage M/s Ssemakula & Co Advocate was not adequate to cover the fees***"

This is an acknowledgement that they indeed paid some legal fees and in addition they also incurred personal expenses in transport, meals and may be accommodation in pursuit of their claims in the High Court. If the appellant had indeed drafted a bill of costs, he would have indicated these expenses that would have been paid to them as disbursements.

Regulation 47(2) of **the Advocates (Remuneration and Taxation of Costs) regulations** SI 267-4 provides; *Disbursements shall be shown separately at the foot of the bill.*

The term 'costs' is defined under Section 1 of Advocates Act to include fees, charges, **disbursements**, expenses and remuneration.

The Law Council indeed considered all this and awarded the appellant 10% of the total award. This did not leave out the costs as submitted by the appellant.

This ground of Appeal also fails.

That the Law Council Disciplinary Committee erred in law and fact to order the appellant to refund UGX 2,948,600,000/= that was paid and duly received by Co-Counsel Bernard Tibesigwa of M/s Kampala Solicitors as per written instructions given to the appellant.

The appellant submitted that he got written instructions from the plaintiffs to consent and the terms of the said consent. It is on the basis of such instructions that the respondent actually executed consents in the four cases.

On the basis of those instructions received on 20th July 2006, the respondent engaged **M/s Kampala Solicitors** and handled the negotiations hence the fruits of the consent later.

When the respondent received the money on his account, as instructed above, he paid co-counsel the excess 21% of the interest.

The Law Council addressed the issue of refund of 2,948,600,000/= as money paid to co-counsel, because the alleged agreements were found to be incompetent and it was required to be registered as a remuneration agreement.

> "The import of S 41 of the Advocates Act is that costs to more than one counsel must be paid upon certification by the trial Judge or on delivery of Judgment. The term 'costs' is defined under the Advocates Act cap 267 to include "fees, charges, disbursements, expenses and remuneration.
>
> The respondent cannot brush this away as mere negotiation expenses. These are costs which should have followed a laid down procedure and by paying shs 2,948,600,000/= to co-counsel, the respondent acted improperly in the conduct of his business as an advocate……..

> The sum total of all the above leaves us with the irresistible conclusion that all the agreements/instructions executed between the respondent and the complainants representatives were extortionate, unconscionable and fraudulent and should not be enforced."

In our evaluation of the available evidence on record, the said instructions to consent clearly left a lot to be desired and they are really very suspicious to say the least.

The instructions do not mention the name of the counsel or firm of the Co-Counsel who was being instructed. It was still made for the sole benefit of the appellant who was to appoint or nominate the said co-counsel.

Secondly, the said notice of instructions appears to have been made in anticipation of an already concluded process of negotiations for the consent. The instructions were made on 20th July 2006 and the Consent judgments were entered into on 28th July 2006. That was only 7days between the instructions and the Consent.

Thirdly, since these were court cases, the said co-counsel should have filed a notice of joint instructions so that they formally get on court record. There was never any Notice of joint instructions filed by the said co-counsel. Since this was a matter before court, under *regulation 41* of the ***Advocates (Remuneration and Taxation of Costs) Regulations*** upon certification by the Judge at the trial.

Fourthly, the said co-counsel according to the record only appears at the time of receiving payments in 2009 i.e March 2009-May 2009. There is no single evidence appointing or nominating the said Kampala Solicitors in July 2006.

Fifthly, the respondents contended that the said firm-Kampala Solicitors has never existed in the records of the approved Law firms in Uganda. The appellant has not responded to this assertion or submission.

Sixthly, the said letterhead does not show the particulars of the advocate behind the said Law firm in accordance with the ***Advocates (Inspection and Approval of Chambers) Regulations SI 65 of 2005***. Regulation 5(2) provides: *The headed paper*

of every law firm shall bear the names and qualifications of each partner, advocate and legal assistant in the firm.

Lastly, the manner in which the said money was allegedly paid is extremely suspect. The sums do not add up when properly added. The said unnamed advocate acknowledges receipt of 2,948,600,000/=. Was this money received in cash (bullion van delivery) or cheque or Electronic Funds Transfer? There is no trail of how this money was paid to the said advocate. This Court also takes judicial notice of the fact that the said advocate Bernard Tibesigwa has since died? Did he ever receive the said huge sums of money? Or he is being used as a scapegoat. We are not convinced.

The Law Council noted that "from Allan Bugyengyera's reply to the questions for determination dated 29th July 2016 paragraph 10 that even the so called firm of Kampala Solicitors Advocates and solicitors is non existent. No wonder even their letter headed paper submitted by the applicant/respondent as K1-K@ to his application does not specify who the advocates in the said firm are as required by law."

This ground of appeal should have been addressed as a ground of appeal in the original Civil No 53 of 2012. This ground is also devoid of any merit and fails.

That the Law Council Disciplinary Committee erred in law and fact to order the appellant to refund UGX 90,000,000/= that was paid to the bailiffs.

The appellant's counsel submitted that the representative of the former workers in paragraph stated that they are aware that the bailiff's money was settled. He is wondering why does the committee want the appellant to refund the said 90,000,000/=.

The Law Council held that this was already covered by our ruling of 31st August 2012. We ruled on page 21 as earlier quoted that,

> " In our opinion we are of the view that an award of 10% of the gross award would be reasonably adequate remuneration to counsel to cater for his fees and all disbursements including joint counsel if found necessary"

The bailiff fees are part of the disbursements envisaged by this ruling.

The above part of the ruling clearly addressed this ground even those it was a ground of appeal that could not arise in execution of the ruling of 31st August 2012. This ground of appeal also fails.

That the Law Council Disciplinary Committee erred in law and fact when they reduced the appellants agreed legal fees of 30% to 10% as legally executed remuneration agreement.

This ground of appeal is academic and moot. It cannot be said arise from the execution proceedings. This should only have been appealed against I the original ruling of 31st August 2012.

The Law Council noted in the ruling of 28th October 2016"we delivered our ruling on 31st August 2012. A period of 4 years has elapsed. The respondent/Applicant has tried his lack at a multiplicity of court actions challenging the said Ruling to no avail. Litigation must come to an end"

This ground of appeal is devoid of any merit and accordingly fails.

That the Law Council Disciplinary Committee erred in law and fact when in its ruling refused/declined to state a case for the opinion of the High Court as far as the legality of the remuneration agreement in question concerned as requested by the appellant

This ground of appeal appears to have been one of the strategies that the appellant had devised to delay the execution process. The question the appellant's advocate was trying to raise for opinion of the High was basically a ground of Appeal.

The said question was: Whether issue of retaining 10% as opposed to 30% as legal fees by him required to state a case for the opinion of the High Court under section 61 of the Civil Procedure Act.

Section 61 provides: ***Where any persons agree in writing to state a case for the opinion of the court, then the court shall try and determine the case in the manner prescribed.***

The applicability of this provision is by agreement and in the present case the appellant did not agree with the respondents. Therefore such a question could not be referred to High Court. See also **Order 35 rule 1 of CPR**

Secondly, the said question was already determined by the Law Council in its ruling of 31st August 2012, which found that;

> "The sum total of all the above leaves us with the irresistible conclusion that all the agreements/instructions executed between the respondent and the complainants' representatives were extortionate, unconscionable and fraudulent and should not be enforced."

After the Law council had made such a ruling it could not allow the appellant to reopen the issue of 10% and 30% as a question for determination before the High Court.

We agree with the decision of the Law Council that the timing was very wrong and out of scope in light of the execution process. This question is coming to court belatedly after the appeal against the said ruling of 31st August 2012 had been struck out on 28th-10-2013.

Indeed, litigation must come to an end. The case of ***Makula International Ltd vs His Eminence Cardinal Nsubuga & Another*** was quoted out of context and we do not see its applicability to the present case.

Whether these proceedings are an abuse of court process?

The respondents complained against the appellant in 2009 and the proceedings out of which this appeal arose were finalized on 31st August 2012. The appellant was not satisfied with the said ruling and filed an Appeal vide Civil Appeal No. 53 of 2012. The said Appeal was struck out on 28th October 2013.

When the appellant was locked out of the appeal process devised another trick of instituting another case by way of judicial review: High Court Miscellaneous Cause 356 of 2013. The same was dismissed with costs on 8th May 2014. The court in that matter indeed found that the said application was an abuse of court process. See paragraph 19 of the ruling.

The appellant went ahead to file Constitutional Petition No. 05 of 2014 Ssemakula vs Attorney General & Law Council and in the interim filed an application for stay of execution in 2015 vide Constitutional Court Miscellaneous Application No. 342 of 2015. In the court ruling they noted;

> "It is apparent to us that the applicant by filing the petition and this application is seeking to have the issue of accountability of the money he received for his clients in the civil suits cited at page one of this ruling determined by this court. That issue could be determined under section 34 of the Civil Procedure Act."

As a result of the said ruling the appellant reopened his case before the Law Council by formulating the grounds/questions for the determination by the Executing Court. The Law council decided on the said issues in its ruling dated 28th October 2016. The appellant dissatisfied with the said ruling filed an appeal out of time on 15th December 2016.

The grounds of appeal as has been discussed earlier are devoid of any merit and they are all disguised grounds of Appeal of the earlier struck out Appeal.

Abuse of Court Process was defined in Black's Law dictionary (6th Ed) as

> "***A malicious abuse of the legal process occurs when the party employs it for some unlawful object, not the purpose which it is intended by the law to effect, in other words a perversion of it***."

Parties and their respective counsel should take the necessary steps to safeguard the integrity of the judiciary and to obviate actions likely to abuse its process. See ***Caneland Ltd & Others vs Delphis Bank Ltd Civil Application No. 344 of 1999 (Kenya Court of Appeal)***

Similarly, the authority cited by the respondent's counsel is also very instructive on abuse of court process; **Benkay Nigeria Limited vs Cadbury Nigeria Limited No. 29 of 2006** (*Supreme Court of Nigeria*), Where their Lordships held:

> "*In Seraki vs Kotoye (1992) 9 NWLR (pt 264) 156 at 188, this court on abuse of court process held….the employment of judicial process is only regarded generally as an abuse when a party improperly uses the issue of the judicial process to the irritation and annoyance of his opponent and the efficient and effective administration of justice. This will arise in instituting a multiplicity of actions on the same subject matter against the same opponent on the same issue.*

The Court further observed that;

> "*….to constitute abuse of court process, the multiplicity of suits must have been instituted by one person against his opponent on the same set of facts*"

We agree with the respondent's council that the present appeal was intended to rejuvenate the claims under the dismissed appeal in a disguised manner with a sole intention of delaying the execution process. This is buttressed by the litany of suits filed since 2012 with intention of stopping the Former workers of Diary Corporation from accessing their terminal benefits and milk allowances that were paid to the appellant. The present appeal like all the earlier suits are an abuse of court process.

In the final result, this appeal fails and is dismissed with costs to the respondents.

We so order.

DATED at Kampala this…….day of…….……2018

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HON LADY JUSTICE H.WOLAYO

…….
HON. LADY JUSTICE LYDIA MUGAMBE

……..
HON. MR JUSTICE SSEKAANA MUSA