THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

(CIVIL DIVISION)

MISCELLANEOUS CAUSE NO. 206 OF 2023

(Arising from Misc. Application No. 315 of 2023)

(ARISING FROM EMA NO. 0034 OF 2023, ARISING FROM CIVIL SUIT NO. 136 OF 2014)

GRANADA HOTEL (U) LTD---------- APPLICANT

VERSUS

NTWATWA JACKSON---------- RESPONDENT

BEFORE: HON. JUSTICE SSEKAANA MUSA

RULING

This is an application for reference against the ruling of the Learned Deputy Registrar and subsequently Registrar of court brought under Order 23 rule 7 and Order 50 rule 8 of the Civil Procedure Rules and section 98 of the Civil Procedure Act seeking the following orders;

a) *The warrant of arrest issued under Misc. App No. 0818 of 2023 arising from Misc. App No. 0315 of 2023 (arising out of EMA No. 0034 of 2023 arising from Civil Suit No. 0136 of 2014) be set aside.*

b) *That the ruling in Miscellaneous Application No. 0818 of 2023 arising from Misc. App No. 0315 of 2023 (arising out of EMA No. 0034 of 2023 arising from Civil Suit No. 0136 of 2014) be set aside.*

c) *That the Garnishee Order Absolute issued by the Learned Registrar in Misc. App No. 0315 of 2023 (arising out of EMA No. 0034 of 2023 arising from Civil Suit No. 0136 of 2014) be set aside.*

d) *The Garnishee Order Nisi issued by the Learned Registrar in Miscellaneous Application No. 0315 of 2023 (arising out of EMA No. 0034 of 2023 arising from Civil Suit No. 0136 of 2014) be set aside.*

e) *The costs of this application be provided for.*

The grounds upon which this application is based were set out in both the application and affidavit in support of Karim Arif-the applicant's General Manager briefly as follows;

1. The respondent was the successful party in Civil Suit No. 136 of 2014, *Ntwatwa Jackson versus Attorney General, Mohamed Hamid Latif, Watuwa Isongoni Mustafa and Aya Investments (U) Ltd*

2. That during the execution of the decree arising from Civil Suit No. 136 of 2014, the Respondent applied for a Garnishee Order against the applicant.

3. That on 23rd June, 2023, the respondent was granted a Garnishee Nisi attaching a sum of Ug Shs 200,000,000/= held by the applicant in favour of Aya Investments (U) Ltd. The applicant disputed its liability to the judgment debtor but the learned Registrar framed an issue to determine the applicant's indebtedness to the judgment debtor in a manner in which an issue or question in a suit to be tried and determined.

4. The Garnishee Order Nisi was subsequently made absolute by the Registrar without due consideration to the provisions of the law.

5. That on 21st August 2023 the respondent filed an application for contempt of court to which the applicant's reply/objections was granted and the applicant was ordered to pay punitive damages in the sum of Ug. Shs 70,000,000/=, a fine of Ug. Shs 5,000,000/=, costs and also an order to comply with the Garnishee Order Absolute with immediate effect.

6. That the respondent obtained a warrant of arrest against the General Manager, Mr. Karim Arif vide Misc. Application No. 818 of 2023.

7. That there is no debt accruing from the Garnishee to the Judgment debtor (Aya Investments (U) Ltd) and the learned registrar failed to ascertain whether there was any money or amount due and owing to the judgment debtor prior to granting the garnishee order absolute.

8. That on 28th December 2022, the applicant executed a Management Agreement with the Judgement Debtor for the management of Pearl of Africa Hotel for a period of 10 years commencing 1st January 2023. The judgment debtor handed over the hotel to the applicant on 9th January 2023.

9. That according to the agreement, the applicant was to pay the Judgment debtor an annual sum of USD 1,250,000. The applicant paid USD 104,167.00 at the execution of the agreement and was to pay the balance in equal instalments of USD 104,167.00 and further 70% of the net profit generated from the operation of the hotel payable quarterly in arrears.

10. That the applicant complied with all its payment obligations to the judgment debtor until the Judgment debtor was placed in liquidation, an event of default under the management agreement and subsequently, events of breach of the management agreement on the part of the judgment debtor.

11. That the Judgement debtor re-entered possession of the hotel on 28th May 2023 and terminated the Management Agreement. The applicant and the Judgement debtor have commenced good faith negotiations to amicably resolve the disputes arising from the Management Agreement. The applicant has since issued a Notice to commence arbitration proceedings pursuant to clause 16.2 of the management agreement.

12. That in the interest of justice that this application is granted as the same shall not prejudice the respondent who can still recover his money from Aya Investments (U) Ltd.

The respondent opposed the application and filed an affidavit in reply and contended as follows;

1. That commenced execution vide misc. Application No. 239 of 2023 by way of Garnishee against I&M Bank Uganda Limited to realize the fruits of my Judgment, and the judgment debtor did not have sufficient funds to satisfy the decree.

2. That the respondent knew that the applicant had funds of the judgment debtor-Aya Investments (U) Ltd by way of hotel management agreement. He proceeded to apply for execution against the applicant by way of garnishee proceedings.

3. That on the 23rd June 2023, a garnishee order Nisi was issued against the applicant attaching the sum of Ugx 200,000,000/= the funds of UGX the Judgment debtor Aya Investments (U) Ltd and the applicant was ordered to appear before the court on the 28th June 2023 to show cause why they should not pay the said sum of money to the judgment creditor to satisfy the decree in civil suit No. 136 of 2014.

4. That indeed the applicant appeared before the Learned Registrar by its representatives and admitted having funds which would satisfy the decree vide Civil Suit No. 136 of 2014 though they wanted to first offset a certain amount as a result of a breach of a contract by Aya Investments but they have to first go through an arbitration process.

5. That by making the garnishee order absolute on the 5th July 2023, the order Nisi dated 23rd June 2023 was discharged and the current application to set aside Order Nisi dated 23rd June 2023 is misconceived, incompetent and amounts to an abuse of court process and wastage of courts time since it is not in existence.

6. That the respondent later filed application No. 818 of 2023 for contempt of court and the application was served on the applicant and he indeed responded and contended that his inability to respond to the garnishee order absolute was due to the fact that its only resident director in

Uganda was out of the country and on his return he has been engaged with police with subsequent charges levied against him at City Hall Magistrates Court at Kampala Capital City Authority and further informed court that the money that would have been due were set off in debt that was due from Aya Group.

7. That upon hearing both parties the Learned Registrar made a decision on 31st August 2023 that the applicant was in contempt of court. The respondent applied for a warrant of arrest against the director of the applicant Arif Karim to enforce the orders of court and a warrant of arrest was issued on 7th September 2023.

The applicants were represented by *Kabayo Alex, Gulume Lastone* and *Agnes Nabaggala* while the respondent represented himself.

In the interest of time court directed the counsel for all parties to file written submissions which I have considered in this ruling.

Whether the applicant is entitled to be heard?

The respondent contended that the applicant is a contemnor who disobeyed a garnishee order Absolute by not complying against the order and that this court has heard and condemned him to pay punitive damages and a fine to court. Therefore, the applicant should not be heard until he has purged himself of the alleged contempt.

The applicant submitted that the applicant is entitled to be heard as per the Constitution Article 28 which provides for the right to a fair hearing. The applicant contended that the respondent would not be prejudiced in the effort to recover the recover the amount from the judgment debtor.

The applicant contended that the alleged and perceived disobedience of refusal to honour garnishee Order Absolute did not impede the course of justice. The applicant is challenging the very order of garnishee for illegality and being an abuse of court process.

The court ought to have considered the circumstances of the case wherein the applicant was not a party to the suit and disputed the liability to the judgment debtor and the liability was not ascertained.

Analysis

This application is challenging the very garnishee Order Absolute on several grounds set out in the application. The court ought to hear the applicant to determine whether he should not be heard for the alleged contemptuous act. The contemptuous order in the given circumstances can equally be subject of an appeal process and such an order does not necessarily become final and unappealable as the respondent seems to submit before this court.

It is very rare for a court to refuse to hear counsel of litigant. No matter how badly a litigant has behaved, if he has a right of appeal, he has a right to be heard. This is for a simple reason that if he is not heard, his right of appeal is valueless. The fact that a party to a cause has disobeyed an order of the court is not of itself a bar to his being heard. But, if his disobedience is such that, so long as it continues, impedes the course of justice in the cause, by making it more difficult for the court to ascertain the truth or to enforce the orders which it may make, then the court may in its discretion refuse to hear him until the impediment is removed or good reason is shown why it should not be removed. ***See Hadkinson v Hadkinson [1952] 2 All ER 567***

The general principle, however, does not apply to applications of an alleged contemnor challenging the order on ground of lack of jurisdiction by the court. There is a clear distinction between the right to be heard in defence of the order made and the right to enforce an order whilst in disobedience. The right to heard is clearly different from the right to enforce a right whilst still in disobedience. ***See J.B. Estate Dev. & Prop. Ltd v Nzegwu (No.1) [2016] 6 NWLR (pt 1507) p. 117***

The general rule that a party in contempt could not be heard or take part in the proceedings in the same case until he has purged his contempt applies to the proceedings voluntarily instituted by himself in which he has made some claim and not a case where all he seeks is to be heard in respect of some matter of defence or where he has appealed against an order which he alleges to be illegal having been made contrary to law or without jurisdiction.

The applicant is entitled to he heard in the circumstances of this case since he disputed liability in the very application to make the garnishee order absolute.

Whether this suit is properly before this honourable court?

The respondent submitted that this application should have been a 'Miscellaneous Appeal' but the applicant called it 'Miscellaneous Cause'.

The applicant contended that the intitulation of the pleadings indicate "Misc. Cause" and it is an application to set aside the orders in Misc. App No. 315 and 818 of 2023 as can be seen from the title.

Analysis

This court does not make sense of this objection by the respondent since it is an application brought under Order 50 rule 8 of the Civil Procedure Rules. I will not waste courts valuable time on such petty objections not rooted in law but rather on semantics of whether it is a *'Cause'* or '*Appeal*' or *'Application'*.

Whether this application offends the doctrine of res judicata?

The respondent in his submission contended that the issue raised in this instant application was fully heard by the court and determined and if the applicant was aggrieved by the decision he would have followed the legal process to ask the higher court to review a decision if he indeed had a sound reason to disobey the court order.

The respondent further submitted that the applicant is bringing the same issues which were already put before a competent court for determination. The matter was already determined and the applicant did not appeal and is estopped from raising the same issue for determination again by the court.

The applicant submitted that the application is challenging the propriety of the orders for garnishee order Nisi and Absolute by contending that the order was made absolute without complying with the provisions of the law. According to counsel there is an illegality which is being brought to the attention of court and the same should not be condoned.

Analysis

This preliminary objection of *res judicata* is equally misplaced and baseless since the application is before this appellate court by way of reference to set aside the

orders of the learned deputy registrar in granting garnishee order nisi and garnishee order absolute.

The respondent does not seem appreciate the application of the principle of *res judicata* and the same cannot arise in the circumstances of this case, since this is an appeal from the decision of the deputy registrar to the judge. It is not the same court but rather an appeal against the decisions made by the deputy registrar as a lower court. The applicant is not re-litigating the matter but rather challenging the same orders by way of appeal before another court.

Whether the Garnishee Order Nisi issued by the Learned Registrar in Miscellaneous Application No. 315 of 2023, arising from EMA No. 0034 of 2023 arising from Civil Suit No. 0136 of 2024 was lawful?

The applicant contended that the respondent was served garnishee Nisi indicating 5 days instead of 7 days as provided under the law. The applicant submitted that the garnishee order Nisi issued by the learned deputy registrar was so done in non-conformity with the law and thus illegal and the same should not be enforced by court.

Analysis

The applicant's contention is that the process leading to the making of the garnishee orders was tainted with illegality since the days spelt out under the rules were not followed by the learned deputy registrar. The respondent never responded to this allegation and it would in my view appear to be true since it was never specifically rebutted or denied and it was indeed admitted in the affidavit in reply.

There is a great difference between erroneous process and irregular (that is to say void) process, the first stands valid and good and until it is reversed, the latter is an absolute nullity from the beginning; the party may justify under the first until it is reversed; but he cannot justify under the latter, because it was his own fault that it was irregular and void at first. *See* ***Republic v High Court, Accra, Ex Parte Allgate Co. Ltd (Amalgamated Bank Ltd, Interested party) [2007-2008] SCGLR 1041; [2008] 2 GMJ 16 SC***

There is no justification or reasons on the court record to explain why the learned deputy registrar opted to fix the matter in less days than what the law

or the rules prescribed. In absence of the reasons it makes the execution process questionable and thus void.

It is significant to note that where the judgment/ruling is found to have been irregularly obtained; the same is set aside *ex debitio justitiae* as of right. The essence of complying with rules of procedure setting time limits in administration of justice should be enforced and strengthened by court not to defeat their purpose. *Time limits set by statutes are matters of substantive law and not mere technicalities and must be strictly complied with*. *See* ***Uganda Revenue Authority v Uganda Consolidated Properties CACA No. 31 of 2000***.

The interests of justice in this matter demand that the garnishee order nisi is set aside. This being an execution process by court it must strictly comply with the law to avoid questionable conduct of the parties and the stakeholders in the execution process.

Whether a garnishee order absolute can be set aside?

The applicant counsel submitted that the applicant disputed a garnishee order absolute can only be set aside upon an application of the applicant to set aside the order or proceedings. The applicant sought to set aside the garnishee order absolute contending that the same was issued in violation of the law regarding instances where the garnishee disputes liability to a judgment debtor.

The applicant contended that the disputed liability was clearly set out in the affidavit in reply in Misc Application 315 of 2023 and the learned deputy registrar failed to refer the matter of liability of the garnishee to a trial as required by Order 23 rule 4.

The respondent contended that the garnishee order absolute was made after the applicant had admitted liability and that the garnishee order absolute is still valid since it has not been challenged. According to the respondent the decision of whether the applicant had funds belonging to AYA Investments Uganda Ltd arising from the hotel management was heard and determined and as such cannot be challenged by way of the misc. cause. It is his reasoning that such a matter cannot be re-litigated.

Analysis

The applicant in his affidavit in reply in Miscellaneous Application No. 315 of 2023 for garnishee order absolute stated that; *Garnishee maintains that there is currently no money owed by it to the 4th respondent and other respondents as stated in the Garnishee Order issued by this Honourable court on the 23rd June 2023 and instead is owed colossal sums by the 4th respondent.*

The above evidence was categorical as to non-availability of funds due to the judgment debtor and I do not see the basis of the learned deputy registrar making the garnishee order absolute and in my humble view it was speculative and merely assumed without any scintilla of evidence.

The court must be satisfied, before it makes the order absolute, of the existence of a debt in *praesenti*: a debt which the judgment debtor could sue for if he chose. Garnishee proceedings being inquisitorial, the purpose is to find out whether the garnishee is indebted to the judgment debtor at all, not merely whether he owes a particular debt. See ***Jagat Sigh Bains v Halimabibi [1957] EA 13***

The applicant set out the various breaches made by the judgment debtor in their management agreement which included failure to clear utility charges and forcibly taking over control of the whole hotel by deploying security and denying access to the garnishee's employees. The applicant intimated that they intended to counterclaim for a total sum of USD 12,000,000 in their arbitration proceedings.

Order 23 rule 4 of the Civil Procedure Rules provides for trial of liability of garnishee where a Garnishee disputes liability to a judgment debtor. It provides;

If the garnishee disputes his or her liability, the court instead of making an order that execution be levied, may order that any issue or question necessary for determining his or her indebtedness be tried and determined in the manner in which an issue or question in a suit is tried or determined.

It bears emphasis that until the garnishee admits his/her indebtedness to the judgment debtor, the garnishee order nisi cannot meaningfully be made absolute. The existence and availability of funds belonging to a judgment debtor must be conclusively established as a condition precedent to making the order

absolute. See ***Civil Procedure and Practice in Uganda by Ssekaana Musa & Namusobya Salima Ssekaana***.

The learned deputy registrar was alive to the dispute of indebtedness of the applicant to the judgment debtor which was likely to be subject of the arbitration proceedings, and it is not clear why he did not refer the matter for determination of whether there where actual funds or whether there was a dispute to the said funds if at all it was available for attachment. The issue of liability had to be determined before the order could be made absolute otherwise it could an exercise in futility to make an order absolute when the court is not certain about the availability of the money (funds) as if the applicant was a bank holding the funds in custody.

In the case of ***Administrator General v Kakooza & Another (Miscellaneous Application No. 11 of 2017*** while citing ***Unique Holdings Ltd v Business Skills Development Trust Ltd High Court (Commercial Division) Miscellaneous Application No. 402 of 2012,*** it was held that, *where the garnishee disputes his or her liability, the court, instead of making an order that execution be levied, may order that the issue or question necessary for determining his or her indebtedness should be tried and determined.*

The trial would have established the indebtedness rather than making assumptions which were speculative since the respondent was desperate to make any recovery from whoever he thought was indebted to the judgment debtor. In such proceedings, the judgment debtor would have been a party to clarify to the court the nature of the debt, how much was due to it and how it was to be paid. The respondent did not mention how much money was indeed due to the judgment debtor. The respondent was on a fishing expedition to pick any money which is presumed to belong to the judgment debtor even if the actual money was not in existence.

Secondly, the applicant is challenging the garnishee order absolute for illegality since it was issued for an entire sum of 200,000,000/= and yet the respondent had been able to recover 45,580,718/= from I&M Bank in June 2023 leaving a balance of 154,419,282/=. The respondent indeed admitted to having recovered 45,000,000/= in his affidavit vide miscellaneous application No. 0239 of 2023.

The respondent came to court and demanded the original sum of the decree of 200,000,000/= which would mean that it was or would have been an excessive attachment beyond the decretal sum. This would indeed be an illegality and it would amount to unjust enrichment. This court agrees with the applicant's counsel submission that once an illegality is brought to the attention of court it overrides everything and court cannot sanction such illegality. *See* ***Makula International Ltd vs His Eminence Cardinal Emmanuel Nsubuga and Rev. Fr. Dr. Kyeyune, CACA No. 4 of 1981 [1982] HCB 11***

This court should not lend its aid to a party who founds his claim upon an illegal or immoral act. If an act is void, then it is in law a nullity. It is not only bad but incurably bad. It is automatically null and void without much ado, though it is sometimes convenient to have the court declare it to be so. Every proceeding which is found on it is also bad and incurably bad. You cannot put something on nothing and expect it to stay there. It will collapse. So will this garnishee order absolute which claims a sum over and above what is due to the respondent.

Therefore, for the reasons stated herein the garnishee Order Absolute is set aside since it indebtedness was contested and ought to have been interrogated by court by way of trial. In addition, the same is set aside for the reason that it was an illegality and not a true reflection of what was actually due to the respondent.

Whether the warrant of arrest should be set aside?

The applicant's counsel submitted that warrant of arrest issued against the applicant's General Manager was not issued in accordance with the law. Counsel contended that there was no notice to show cause issued to the said Karim Arif and thus he was condemned unheard.

In addition, the applicant's counsel contended that the learned Registrar did not lift before issuing an order for a warrant of arrest against the general manager. The applicant is a corporate entity, distinct from its directors, shareholders and managers and thus there is distinction between the individuals and corporate entities. Section 20 of the Companies Act provides for the circumstances under which a court may lift the corporate veil and find a director or individual in a company personally liable.

Analysis

Once a company is incorporated under the relevant laws, it becomes a separate person from the individuals who are its members. It has capacity to enjoy legal rights and is subjected to legal duties which do not coincide with that of its members. Such a company is said to have legal personality and is always referred to an artificial person.

The applicant's general manager (Karim Arif) was put on a warrant of arrest for the debts of the applicant (company) without being afforded an opportunity to be heard. The process which was adopted by the learned registrar was contrary to the principles of execution which require the persons behind the company to be issued with a notice to show cause why execution by way of arrest should not issue against them in their personal capacity.

The above is fortified by the decision in ***Buwembo Sarah Kakumba v Samuel Kiwanuka & Anor (Civil Appeal No. 1670 of 2013) UGHCEBD 6*** wherein the court relied on the decision in ***Comesa Technology (U) Ltd v David G Mushabe HC Execution Civil Appeal No. 1906 of 2013*** (unreported) wherein it was held that;

"…the order for the warrant of arrest of the directors of the judgment debtors to issue, was both procedurally erroneous and gravely wrong in substance. A warrant of arrest should arrest should always be preceded by a notice to show cause why a warrant of arrest should not issue against such a person. It is only after default on the notice that such a warrant may issue without the court having heard the person first. This ensures compliance with the cardinal rule of natural justice that no one is condemned unheard"

In my view, the court should evoke the provisions of ***Section 20 of the Companies Act*** before it issues orders or a warrant of arrest against the directors or employees of the company for the liability or omissions of the company. Section 20 provides that;

The High Court may, where a company or its directors are involved in acts including tax evasion, fraud or where, save for a single member company, the membership of the company falls below the statutory minimum, lift the corporate veil.

There is no reason why the veil of incorporation cannot be lifted at the execution stage but the veil of incorporation is not to be lifted merely because the company has no assets or it is unable to pay its debts and is thus insolvent as in such a situation the law provides remedies other than the director of the company being saddled with the debts of the company. *See* ***Corporate Insurance Co. Ltd v Savemax Insurance Brokers Ltd High Court civil case No. 124 of 2002 [2002] 1 EA 41***

The court should not issue a warrant of arrest against a director of company without following the due process, as this would be a casual way of lifting the veil without complying with the clear provisions of the law.

The issuance of the warrant of arrest against Karim Arif (General Manager) was illegal and is hereby set aside.

Whether the ruling in Miscellaneous Application No. 0818 of 2023 was lawful?

The applicant's counsel submitted that the there was no lawful order of court since in his view there were some illegalities in issuance of the said order. The applicant contended that the order was issued less than the stipulated time set out in the rules.

Secondly, the applicant contended that the applicant knew about the order but they were unable to comply with the same given the fact that, the Management Agreement relied upon by the respondent to add the applicant as garnishee to the judgment debtor, had, before the institution of the garnishee proceedings, been revoked.

The respondent made some mixed-up arguments on contempt but the gist of it all was that Arik Karim being a director of the applicant and was held personally liable for the contemptuous actions of the applicant and accordingly a warrant of arrest was issued compelling him to comply with the orders of court.

Analysis

It is contempt of court to refuse to do an act required by a judgment or ruling or order of court within the time specified therein. The dignity and honour of the court cannot be maintained if its orders are treated disdainfully and scornfully without due respect.

The right and power of court to punish or pronounce sanction on whoever disobeys its order is inherent and legitimate right of every court. Disobedience of a court's order is a serious contempt indeed and courts of law must protect themselves from being maligned or ridiculed.

However, the power to punish for contempt should be sparingly used. There must be restraint in its exercise more so as it is entirely at the discretion of the court how to punish for contempt depending on the circumstances of the case.

The proceedings before the court where execution proceedings against a non-party to the suit. The circumstances of the addition of the applicant were through garnishee proceedings and the court as noted earlier had to confirm the indebtedness of the applicant. The court imputed the indebtedness of the applicant from the submissions of counsel for the applicant and thus ignored the evidence on oath by the applicant in which they categorically denied any indebtedness to the judgment debtor.

The court failed to appreciate the acrimonious circumstances in which the applicant's relationship ended with the judgment debtor-Aya Investments Ltd. The judgment debtor took over the management of the hotel in breach of the Management Agreement between the parties which had triggered a dispute under the agreement. The applicant was claiming over $12,000,000 in breach of contract and any attempt to deprive it of any proceeds in their possession would have been unfair but they denied holding any money of the judgment debtor.

If the order cannot be complied with the court will not grant an order for contempt. The slightest ambiguity to the order sought to be enforced to the order can invalidate an application for committal as an ambiguity can in turn lead to the standard of proof not being attained. The court should act with caution and circumspection to avoid overzealous applicants abusing the process of the court by seeking contempt of court orders as a scarecrow to their opponents.

Recourse ought not to be a process of contempt in aid of a civil remedy where there is any other method of doing justice, and the jurisdiction of committing for contempt should be most jealously and carefully watched, and exercised with greatest reluctance and greatest anxiety on the part of the courts to see whether there is no other mode which is open to the objection of arbitrariness,

and which can be brought to bear upon the subject. See ***Moses P N Njoroge and Others v Reverand Musa Njuguna and Anor HCCC No. 247 of 2004***

The circumstances surrounding this application for contempt are clear that they were obtained irregularly and this court has already quashed them earlier in this ruling. It therefore follows that the subsequent proceedings for contempt premised on illegal garnishee orders cannot stand since the base on which they stood before has collapsed.

This court therefore, sets aside the contempt of court ruling by the learned Registrar of this court.

The application succeeds on all the orders sought and the same are granted as presented.

The applicant is granted costs of the application.

It is so ordered.

SSEKAANA MUSA
JUDGE
31st October 2023