

2015 lodged and being prosecuted by the respondents in this Court.

In **Civil Application No. 263 of 2015** the respondents seek leave
35 to appeal, while in **Civil Application No. 264 of 2015**, they pray
this Court to order a stay of proceedings and in **Civil Application
No. 265 of 2015** an interim order of stay of proceedings is sought.

All the three above applications arise out of the proceedings in **High
Court at Kampala Miscellaneous Cause No. 310 of 2013** which
40 was Judicial Review application brought by the applicant against
the respondents.

In the course of the hearing of the said Judicial Review **Application
No. 310 of 2013** the respondents' Counsel prayed Court to raise a
number of preliminary points of law at a stage when the hearing of
45 the application had already commenced and was in advanced stage.
The presiding trial Judge, allowed the preliminary points to be
raised, but directed that, since the hearing had advanced so much,
the preliminary points were to be raised in the final written
submissions of Counsel for the respondents to which the
50 applicant's Counsel would respond in their written reply to the

respondents' submissions. The trial Judge was then to resolve the said preliminary points in the final decision of Court.

Counsel for the respondents were dissatisfied with the above Court direction and sought leave from the trial Judge to appeal to this Court against the same. The trial Judge refused to grant the prayed for leave to appeal. The respondents then proceeded to lodge in this Court the stated **applications numbers 263/2015, 264/2015 and 265/2015.**

On 30.10.2015, this Court, presided over by **Hon. Lady Justice Solomy B. Bossa, JA**, heard and dismissed with costs **Civil Application No. 265 of 2015** which was for an Interim Order to stay proceedings in **High Court Miscellaneous Cause No. 310 of 2013** pending the hearing and determination by this Court of the substantive **Civil Application No. 264 of 2015.** Hence for purposes of this Ruling **Civil Application No. 265 of 2015 of 2015** is not under consideration since the same is already disposed of.

At the hearing learned Counsel Simon Tendo Kabenge represented the applicant. The applicant was also physically present in Court.

The respondents and their respective Counsel, though duly served
70 with the application and notification of the hearing date, were,
without any explanation to Court, absent. Court thus ordered the
hearing to proceed in their absence.

Counsel for the applicant submitted that the respondents are
committing abuse of Court process by lodging in this Court and
75 purporting to prosecute **Civil Applications Numbers 264/2015,**
and **263/2015**, their aim being to delay, as long as they can
succeed to do so, the final determination by the **High Court of**
Judicial Review Miscellaneous Application Number 310 of
2013; which application concerned questioning the acts of the
80 second and third respondents as members of staff of the first
respondent, in as much as such acts adversely affected the
applicant interests, who too, happened to be associated with the
staff of the first respondent. The delay in disposal by the High
Court of the **Judicial Review Miscellaneous Application Number**
85 **310 of 2015**, would benefit the second and third respondents, as,
according to their terms of employment with the 1st respondent,
they will have left the employment of the first respondent by the

time a final decision is made in **Miscellaneous Application
Number 310 of 2015**. Therefore their employment with the first
90 respondent was soon to end. Their aim was for them to cause as
much delay as possible so that the said **Application No. 310 of
2015** would be resolved by the High Court, if at all, when the two of
them were no longer in the employment of the first respondent.

Further, according to Counsel for the applicant, there was no
95 possibility that the respondents' intended application for leave to
appeal would be granted, as there was nothing wrong at all, that
could constitute a reasonable ground of appeal against the decision
of the trial Judge directing that the respondents address their
preliminary points of law by incorporating them in their written
100 submissions in **Miscellaneous Cause No. 310 of 2013**.

The applicant had thus lodged a substantive **application No. 274
of 2015** to strike out, amongst other prayers, **Civil Applications
264/2015 and 263/2015**. As such, it was necessary to stay the
proceedings of those two applications pending disposal of the
105 substantive **application No. 274 of 2015**.

This Court thus proceeds to resolve this application on its merits. Court is satisfied that the applicant has shown a prima facie case with a probability of success of the substantive **application No. 274 of 2015** whose existence in this Court is not disputed by the respondents. The delay in disposal of **High Court Miscellaneous Cause No. 310 of 2013**, the Judicial Review application, which delay is likely to go on as long as **Civil Applications Numbers 264/2015 and 263/2015** remain unresolved in this Court, is likely to result in the applicant suffering irreparable loss or injury, that may not be adequately compensated for by an award of damages as regards the subject matter in dispute in **High Court Miscellaneous Cause No. 310 of 2013** since the said delay may result in the second and third respondents serving out their terms of service and leaving the employment with the first respondent. The applicant may have no remedies against both of them once this happens as his claims against them is intertwined with the second and third respondent's employment with the first respondent.

As to the matter of convenience, it is the considered view of this Court, that it is more convenient as it will stop multiplicity of Court

125 Proceedings and decisions if the hearing of **Civil Applications**
204/2015 and 263/2015 is stopped pending disposal of the
applicant's **Civil Application No. 274 of 2015** that questions the
legitimacy of the said two applications in this Court.

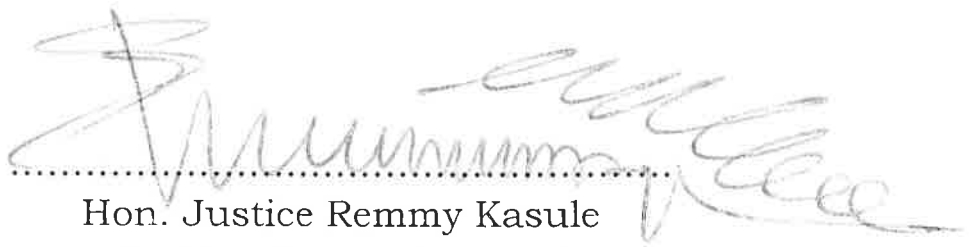
Accordingly this application is allowed. An Interim Order is hereby
130 issued staying the proceedings in **Civil Applications 263/2015**
and 264/2015 pending disposal of the applicant's **Civil**
Application No. 274 of 2015.

The Registrar of this Court is hereby called upon to summon the
parties to **Civil Application No. 274 of 2015** with a view to fixing a
135 hearing date for disposal of the said Application as quickly as the
Court calendar can permit.

The costs of this application are to abide the outcome of **Civil**
Application Number 274 of 2015.

It is so ordered.

140 Dated at Kampala this 26th day of April, 2016.

A handwritten signature in dark ink, appearing to read 'Remmy Kasule', is written over a horizontal dotted line. The signature is fluid and cursive.

Hon. Justice Remmy Kasule
Justice Court of Appeal