**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA AT KAMPALA**

**CIVIL DIVISION**

**MISCELLANEOUS CAUSE No. 246 OF 2016**

**(*Arising from Misc. Cause No. 48 of 2009* and Complaint No. UHRC 167/2000)**

**IN AN APPLICATION FOR A PREROGATIVE WRIT OF MADAMUS**

1. **NAMPOGO ROBERT**
2. **TUMWESIGYE MOSES :::::::::::::::::::::::::::::::::: APPLICANTS**

***Versus***

**ATTORNEY GENERAL ::::::::::::::::::::::::::::::::::::::: RESPONDENT**

**BEFORE: HON. JUSTICE MUSOTA STEPHEN**

**RULING:**

This is an application for Mandamus.

However, on perusal of the pleadings and submissions by learned counsel for the applicants, it is apparent that this application arises out of an earlier order for Mandamus in Miscellaneous Cause No. 48 of 2009 which compelled the respondent to pay the applicants the decretal sum with interest at the rate of 6% p.a. from 13/10/2004.

After the issuance of the said earlier Mandamus order, this matter became res judicata and therefore a fresh application for Mandamus basing on the same facts and claim could not legally arise.

Since the certificate of order against the Secretary to Treasury dated 11th May 2010 has never been varied or set aside, it only requires enforcement. Accordingly this application is dismissed with costs.

I so order.

**Stephen Musota**

**J U D G E**

**20.04.2017**

20.04.2017:-

Ms Stella Nakamya for the Applicant is in Court.

Applicant is not in Court.

Respondent’s representative Mr. Geoffrey Madete in Court.

Milton Court Clerk.

**Court:-**

Ruling is delivered in Open Court in the presence of:

Mr. Geoffrey Madete for the Respondent.

Ms Stella Nakamya for the Applicant.

Milton Court Clerk.

**…………………………………….**

**Joy Bahinguza Kabagye**

**ASSISTANT REGISTRAR**