

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA

[CORAM: ARACH-AMOKO, MWANGUSYA, OPIO-AWERI,
MWONDHA, TIBATEMWA-EKIRIKUBINZA, JJ.SC.]

CIVIL APPEAL NO.03 OF 2017

BETWEEN

UGANDA TELECOM LTD :::::::::::::::::::::::::::::: APPELLANT

AND

ZTE CORPORATION :::::::::::::::::::::::::::::: RESPONDENT

(Appeal from the judgment of the Court of Appeal at Kampala (Kasule, Egonda-Ntende, Chebrion Barishaki, JJA) in Civil Appeal No.0197 of 2015 dated 1st December, 2016.

JUDGMENT OF LILLIAN TIBATEMWA-EKIRIKUBINZA.

I have had the benefit of reading in advance the draft judgment prepared by my learned sister, M.S.Arach-Amoko, JSC.

I agree with her that this appeal should be dismissed with costs as she proposed and that the file be remitted to the High Court for hearing.

Dated at Kampala this 11th day of October 2017.

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Lillian Tibatemwa-Ekirikubinza
PROF. DR. LILLIAN TIBATEMWA-EKIRIKUBINZA
JUSTICE OF THE SUPREME COURT.

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA AT KAMPALA

(Coram: Arach-Amoko, Mwangusya, Opio-Aweri, Mwondha, Tibatemwa-Ekirikubinza)

CIVIL APPEAL NO. 03 OF 2017

UGANDA TELECOM LTD APPELLANT

VERSUS

ZTE CORPORTATION RESPONDENT

(Appeal from the judgment of the Court of Appeal Kampala (Kasule, Egonda-Ntende, Chebrion Barishaki, JJA) in Civil Appeal No 0179 of 2015 dated on the 1st December, 2016)

JUDGMENT OF MWONDHA, JSC


I have had the benefit of reading in draft the judgment of my Learned sister M.S. Arach-Amoko, JSC.

I agree with her that this Appeal should be dismissed with costs as she proposed and that the file be remitted to High Court for hearing.

I also add, that the provisions of the Constitution Article 126 (2) (b) and (e) to the effect that justice shall not be delayed and that substantive justice shall be administered without undue regard to technicalities is instructive.

Counsel for the appellant ought have known that the Rules of Procedure as provided in the Civil Procedure Rules are handmaidens of Justice. They are not intended to defeat justice by causing delay as he did by filing unnecessary appeals. The appeals clearly violated the principle of justice as provided in the above mentioned Article of the Constitution.

Dated at Kampala this.....*11th*..... day of *October*.....


Mwondha, JSC

JUSTICE OF THE SUPREME COURT

THE REPUBLIC OF UGANDA

IN THE SUPREME COURT OF UGANDA AT KAMPALA

(CORAM: ARACH-AMOKO, MWANGUSYA, OPIO-AWERI, MWONDHA, TIBATEMWA-EKIRIKUBINZA)

CIVIL APPEAL NO. 03 OF 2017

UGANDA TELECOM LTD APPELLANT

VERSUS

ZTE CORPORTATION RESPONDENT

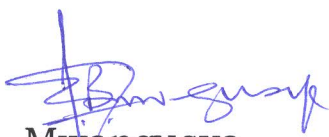
(Appeal from the judgment of the Court of Appeal Kampala (Kasule, Egonda-Ntende, Chebrion Barishaki, JJA) in Civil Appeal No 0179 of 2015 dated on the 1st December, 2016)

JUDGMENT OF MWANGUSYA, JSC

I have had the opportunity of reading in draft the judgment of M. S. Arach Amoko, JSC.

I agree with her that there is no merit in this appeal which should be dismissed with costs in this Court and the Court of Appeal. As a matter of urgency the case file should be remitted to the High Court for trial before another Judge because it has taken too long to resolve the matter.

Dated this *11th* day of *October*2017



Mwangusya

JUSTICE OF SUPREME COURT

IN THE SUPREME COURT OF UGANDA AT KAMPALA

(Coram: Arach-Amoko; Mwangusya; Opio-Aweri; Mwondha; Tibatemwa-Ekirikubinza; JJ.S.C).

CIVIL APPEAL NO. 03 OF 2017

BETWEEN

UGANDA TELECOM LTD:.....APPELLANT

AND

ZTE CORPORATION:..... RESPONDENT

(Appeal against the Judgment of the Court of Appeal at Kampala before Hon. Justice: Kasule, Egonda-Ntende, Chebrion Barishaki JJA, Civil Appeal No. 0197 of 2015, dated 1st day of December, 2016)

JUDGMENT OF OPIO-AWERI, JSC

I have had the benefit of reading in draft the judgment of my learned sister, M.S. Arach-Amoko, JSC. I agree with her that this appeal should be dismissed. I also agree with the Orders she has proposed.

Dated at Kampala this.....^{11th}.....day of.....^{October}.....2017.



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**OPIO-AWERI,
JUSTICE OF THE SUPREME COURT.**