

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

(CORAM: Kisaakye, Arach-Amoko, Nshimye,
Tibatemwa-Ekirikubinza, Opio-Aweri, JJSC;)

CIVIL APPEAL NO. 03 OF 2015.

BETWEEN

MATHEW RUKIKAIRE:::::::::::::::::::::::::APPELLANT

AND

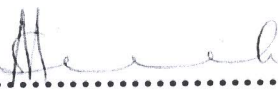
INCAFEX LIMITED:::::::::::::::::::::::::RESPONDENT

{Appeal arising from the judgment of the Court of Appeal at Kampala
before Hon. Justice: Kasule, Mwangusya, Mwondha, JJA, in Civil Appeal
No. 67 of 2010, dated 22nd December, 2014.}

JUDGMENT OF M.S.ARACH-AMOKO, JSC

I have had the benefit of reading in draft the Judgment of my
learned sister, Hon. Justice. Prof Lillian Tibatemwa-Ekirikubinza,
JSC, and I agree with her that this Appeal should be allowed with
costs. I also agree with the Orders she has proposed.

Dated at Kampala this ^{23rd}.....day of.....*October*.....2017


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M.S. ARACH-AMOKO
JUSTICE OF THE SUPREME COURT

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

(CORAM: KISAANYE, ARACH-AMOKO, NSHIMYE, OPIO AWERI,
TIBATEMWA, JJSC)

CIVIL APPEAL NO.03 OF 2015

BETWEEN

**MATHEW RUKIKAIRE:.....APPELLANT
AND**

INCAFEX LIMITED :..... RESPONDENT

[Appeal from the judgment of the Court of Appeal at Kampala before Hon Justices of Appeal Remmy Kasule, Eldad Mwangusya and Faith Mwondha, JJA, dated the 22nd day of December 2014 in Civil Appeal no.67 of 2010]

JUDGMENT OF A.S. NSHIMYE, JSC.

I have had the benefit of reading the lead judgment of my sister Hon Justice Prof Tibatemwa Ekirikubinza Lillian, JSC.

I agree with her reasoning and application of the relevant company law.

I am also of a strong opinion that once one has been allotted with shares and returns have been filed with the Registrar of companies to that effect, the allottee becomes a fully fledged shareholder, whether or not he/she has actually paid for the shares allotted, is another matter between him/her and the company.

That is one of the matters that can be disposed of in an audit exercise. Therefore winding up of a company before investment dues of the appellant are ascertained, would be prejudicial to its rights. I would have withheld a winding up order in the circumstances.

I agree that appeal be allowed with costs as proposed by her lordship.

Dated at Kampala, this 23rd day of October 2017.


A.S. NSHIMYE

JUSTICE OF SUPREME COURT

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

(Coram: Kisaakye; Arach-Amoko; Nshimye; Opió-Aweri; Tibatemwa-
Ekirikubinza; JJ.S.C).

CIVIL APPEAL NO. 03 OF 2015

BETWEEN

MATTHEW RUKIKARIE.....APPELLANT

AND

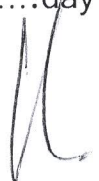
INCAFEX LIMITED RESPONDENT

(Appeal from the Judgement of the Court of Appeal at Kampala before Hon. Justice: Kasule, Mwangusya and Mwondha, JJA, in Civil Appeal No. 67 of 2010, dated 22nd day of December, 2014)

JUDGMENT OF OPIO-AWERI, JSC

I have had the benefit of reading in draft the judgment of my learned sister, Justice Tibatemwa-Ekirikubinza, JSC. I agree with her that this appeal should succeed. I also agree with the Orders she has proposed.

Dated at Kampala this.....23rd.....day of.....October.....2017.


HON. JUSTICE OPIO-AWERI
JUSTICE OF THE SUPREME COURT.