

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

CIVIL APPLICATION NOS. 25 & 26 OF 2021

(ARISING FROM CIVIL APPEAL NO. 08 OF 2018)

**CORAM: ARACH-AMOKO; MWONDHA; TIBATEMWA-EKIRIKUBINZA;
TUHAISE; CHIBITA; JJSC**

BETTY KIZITO ::: APPLICANT

VERSUS

- 1. DICKSON NSUBUGA**
- 2. DIANA SEMAKULA**
- 3. DENIS KAVULU**
- 4. JOYCE NANSUBUGA**
- 5. IVAN ZIMBE**
- 6. DANIEL KIZITO**
- 7. MARTHA NANKYA**

::: RESPONDENTS

Introduction:

This application was brought under rules 2(2), 6(2) (b), 42(1) and (2), 43 (1) and 50 of the Judicature (Supreme Court Rules) Directions, seeking the grant of orders that:

- 1. The respondents jointly and severally be held in contempt of court;**
- 2. The respondents be committed to prison for a period of one year as a sanction for contempt of court;**
- 3. The respondents jointly and severally pay the applicant UGX 300,000,000/= (Uganda shillings three hundred million only) as compensation for their actions of contempt of court.**
- 4. The respondents jointly and severally be found in contempt of court and pay to this court UGX 100,000,000= (Uganda shillings One Hundred Million Only) as a fine for their actions of contempt of court.**
- 5. The respondents immediately purge themselves of the contempt of this court.**
- 6. A permanent injunction doth issue restraining the respondents by themselves or through their agents, employers, employees, workmen and servants from burying the late DAVID KIZITO on the Applicant's property at Muyenga comprised in Kyadondo Block 244 Plot 5091.**
- 7. A writ of sequestration doth issue placing the respondent's property at the disposal of this court to be used to recover any remedies that the applicant may get them in this suit.**
- 8. The respondents bear the costs of this application.**

The application was supported by an affidavit sworn by herself. Two affidavits in reply were sworn by the 5th respondent, Ivan Zimbe. The affidavit in rejoinder was sworn by applicant.

Background to this application:

On the 19th September, 2019, the Supreme Court passed a decision in Betty Kizito vs. David Kizito Kanonya & Others, SCCA No. 8 of 2018 in which it ordered that:

- 1. “Since it is now impossible to make an order of subdivision of the Kisugu and Katwe properties which have long been sold to third parties, I would order for the reinstatement of the appellant onto the property at Muyenga.**
- 2. Consequently, I would order the Commissioner Land Registration to reinstate the appellant onto the certificate of title of the suit land as a tenant in common with the 1st respondent.**
- 3. General damages in the sum of Ushs. 100,000,000/= be awarded to the appellant.**
- 4. The costs of this appeal and in the courts below would be awarded to the appellant.”**

That order was later amended by Court on the 7th October, 2020, vide **David Kizito Kanonya & Others vs. Betty Kizito**, SCCA No. 19 of 2019, specifically Order 3 reducing the general damages from 100,000,000/= to 70,000,000/=. It read as follows:

- 3 “(i) General damages in the sum of 70,000,000/= are awarded to the appellant.**