

CASE 1

BRANCHES

2nd DEFENDANT'S WRITTEN STATEMENT OF DEFENCE



THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA
[LAND DIVISION]
HIGH COURT CIVIL SUIT NO. _____ OF 2017

MEERA INVESTMENTS LTD.....PLAINTIFF

-VERUS-

1. DFCU BANK LIMITED
2. THE COMMISSIONER FOR LAND REGISTRATION.....DEFENDANTS

2nd DEFENDANT'S WRITTEN STATEMENT OF DEFENCE

1. Save as herein admitted the 2nd Defendant denies each and every allegation of fact set out in the Plaintiffs' plaints as if the same were set forth verbatim.
2. The 2nd Defendant avers and contends that the Plaintiffs' suit against it is misconceived, and an abuse of court process.
3. The 2nd Defendant takes note of paragraphs 1-3 of the Plaintiff's Plaint in so far as they relate to the description and addresses of the Plaintiff and in addition, the address of the 2nd Defendant for purposes of court process regarding this suit shall be *Office of titles, Kampala, Ministry of Lands Housing & Urban Development, Parliamentary Avenue.*
4. The 2nd Defendant admits the contents of paragraph 4 the Plaintiff's plaint as per the records in the office of titles regarding the description of the suit properties, all currently registered in the name of the 1st defendant as the lessee.
5. That in specific reply to paragraph 5 of the plaint, the 2nd defendant admits that as per records of the office of titles, the Plaintiff is the registered proprietor of the Freehold/Mailo interests which are subject of the leases, the suit properties herein and the 2nd denies having illegally effected a transfer of the suit properties into the names of the 1st Defendant.



6. In reply to paragraph 6 of the plaint, the 2nd Defendant contends that the Plaintiff is not entitled to the reliefs sought therein and shall pray that the suit be dismissed with costs.
7. The 2nd Defendant admits the contents of paragraph 7 (a) of the plaint in as far as the description of the properties stated therein and the fact that the Plaintiff is the current registered proprietor of the Freehold/ Mailo interests as per the records of the office of titles in Ministry of Lands and Urban Development.
8. The 2nd Defendant admits the contents of paragraph 7 (C) of the plaint in so far as registration of the leases between the Plaintiff and Crane Bank Limited (in Receivership) as encumbrances on the Plaintiff's Freehold/Mailo interests as per the records with the office of titles.
9. In further reply to the Plaintiffs' contentions in paragraph 7 and 8 of the plaint, the 2nd Defendant contends that the suit properties were indeed transferred into the names of the 1st defendant who is currently registered as the lessee. *However, there was no written consent to transfer or part with possession from the Plaintiff (lessor) as per the records of the Office of titles with the Ministry of Lands and Urban Development.*
10. In specific reply to paragraph 9 of the plaint, the 2nd defendant denies having connived with the 1st Defendant to transfer the suit properties into the names of the 1st defendant.
11. Paragraph 10 of the plaint and the particulars of illegality thereof, is denied and the plaintiff shall be put to strict proof thereof.
12. The 2nd Defendant is not guilty of any illegality as alleged by the Plaintiff in its plaint and the Plaintiff shall be put to strict proof thereof.
13. Save for the submission to this Honourable Court's jurisdiction, the rest of the contents of the plaint are denied and the Plaintiff is not entitled to the reliefs sought and shall be put to strict proof thereof.

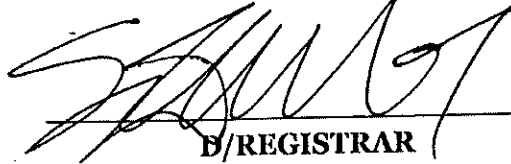
WHEREFORE; the Defendant prays that Court be pleased to dismiss the Plaintiff's suit with costs.

Dated at Kampala this⁰⁸ day of¹.....2018.



For: COMMISSIONER LAND REGISTRATION
[For the 2nd Defendant]

Lodged in the Registry this^{08th} day of^{Jan}.....2018


D/REGISTRAR

Drawn and filed by:

Office of titles, Kampala
Ministry of Lands Housing & Urban Development
Parliamentary Avenue
P.O. BOX 7218
Kampala.



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SUMMARY OF EVIDENCE

The 2nd Defendant shall at the hearing of the case adduce evidence to show that it didn't participate in any illegality and or fraud in transferring the suit properties into the names of the 1st defendant as the current lessee.

LIST OF WITNESSES

- 1 Officials from the 2nd Defendant
- 2 Others with leave of court

LIST OF DOCUMENTS

1. All documents attached to the defence
2. Others with leave of Court.

LIST OF AUTHORITIES

1. The Constitution of the Republic of Uganda 1995 as amended
2. The Land Act Cap 227 as amended
3. The Registration of Titles Act Cap 230
4. The Civil Procedure Act Cap 71
5. The Civil Procedure Act Rules SI 71-1
6. Case Law.
7. Others with leave of Court



For: COMMISSIONER LAND REGISTRATION

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