



- iii) HCCS No. 493/2017 does not deal with the illegal and fraudulent registration of the leasehold interest in favour of the 1<sup>st</sup> Defendant. The subject matter of the suit in HCCS No. 493 of 2017 is in respect of ownership of 42 out of the 48 Mailo and Freehold titles.
- iv) There are 6 Freehold/Mailo forming part of the subject matter of the suit, which are not the subject of challenge by Crane Bank Limited (in Receivership) in HCCS No. 493 of 2017, rendering section 6 of the Civil Procedure Act (CPA) inapplicable.
- v) The causes of action, the parties, the matters in dispute and the remedies sought in both suits are different, rendering section 6 of the CPA inapplicable.
- vi) The issue in the current suit is not whether the Plaintiff is the owner of the freehold/Mailo properties, but whether the 1<sup>st</sup> Defendant was illegally and fraudulently registered as lessee in respect of the suit properties, an issue completely different from the issues in HCCS No. 493 of 2017, to which the 1<sup>st</sup> Defendant is not a party nor does it claim under any of the parties, thereby rendering Section 6 of the CPA inapplicable.

5. In further reply, the Plaintiff avers that;

- i) The adoption of the pleadings in HCCS No. 493 of 2017 as part of the 1<sup>st</sup> Defendant's defence, whereof it is not a party, is misconceived and legally untenable.
- ii) The Plaintiff as the registered proprietor of the Freehold/ Mailo interest is entitled to enforce all its rights as such.

6. In reply to paragraph 4.7 and 4.8 of the 1<sup>st</sup> Defendant's written statement of defence, the Plaintiff re-iterates its averments in the plaint and shall prove the fraud at the trial.

**WHEREFORE**, the Plaintiff reiterates the prayers for the relief sought in the Plaint.

Dated at Kampala this 13<sup>th</sup> day of February 2018.



---

**MAGNA ADVOCATES**  
(Counsel for the Plaintiff)

**DRAWN & FILED BY:-**

Magna Advocates  
Plot 22, Jinja Road,  
Spear House, 4th Floor  
P.O.BOX 12866, Kampala.

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

**Summary of Evidence**

The Plaintiff shall at trial adduce evidence to the effect that it is the registered proprietor of the suit properties and the lessor thereof. It shall also adduce further evidence to the effect that as per the lease agreements and variations of leases, the basis on which the leases were created, it was a requirement for prior written consent of the lessor (the Plaintiff) for the lessee to part with possession of the properties whether legal, constructive or physical of the suit properties.

The Plaintiff shall further furnish evidence to the effect that in absence of its prior written consent as the lessor, the Defendants illegally and fraudulently transacted on the suit properties and the titles thereof. That the subject matter and issues to be determined in HCCS No. 493 of 2017, are different from the subject matter in this suit.

**List of Witnesses**

1. The Plaintiff's officials.
2. Property Valuer.
3. Others with leave of Court.

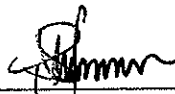
**List of Documents**

1. All annexures attached to the Plaintiff.
2. Others to be produced at scheduling and 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 Financial Institutions Act
5. The Civil Procedure Act Cap 71.
6. The Civil Procedure Rules SI 7-1.
7. Case law.
8. Any others authority with leave of court.

Dated at Kampala this <sup>13<sup>th</sup></sup>.....day of <sup>Feb</sup>.....2018.



---

**MAGNA ADVOCATES**  
**[COUNSEL FOR THE PLAINTIFF]**

**Drawn & Filed By:**

**M/S MAGNA Advocates,**  
Plot 22 Jinja Road  
Spear House, 4<sup>th</sup> Floor  
Left Wing, Suite 03,  
P.O. Box 12866,  
**KAMPALA**

Email; [info@magnaadvocates.com](mailto:info@magnaadvocates.com)

Website; [www.magnaadvocates.com](http://www.magnaadvocates.com)

Tel; +256(414)697579/231850