**Katurature and another v Karegyera and others**

**Division:** Court of Appeal of Uganda at Kampala

**Date of ruling:** 28 February 2003

**Case Number:** 128/02

**Before:** Okello JA

**Sourced by:** LawAfrica

**Summarised by:** A Mwanzia

*Appeal – Time – Extension of time to lodge notice of appeal – Parties alleging ignorance and failure of*

*their lawyer to advise on time of lodging appeal – Whether sufficient cause – Principles upon which*

*extension to be granted – Rules 4 and 42 – Court of Appeal Rules Uganda*

**Editor’s Summary**

The Applicants had instituted a suit in the Magistrate Grade II Court against the Respondents in trespass

over piece of land comprised in leasehold LWM/5918 Volume 981 folio 2, of which the Applicants claimed they were joint proprietors. They lost and appealed to the Chief Magistrate and further to the High Court. The High Court dismissed their appeal. They later brought an application to the Court of Appeal seeking extension of time within which to lodge a notice of appeal on grounds *inter alia*, that they were illiterate and were wrongly advised or not advised as to the time within which to commence their appeal against the decision of the High Court. They argued that the lawyer who had represented them in the High Court had failed to advise them after judgment about the time required to commence the appeal and that this reason constituted a sufficient cause to justify grant of the extension sought.

**Held** – Rule 4 of the Court of Appeal Rules gives the Court wide discretion in granting time within which to take a particular step required by the Rules. The discretion must be exercised in favour of the applicant when she/he has shown by evidence sufficient cause. The sufficient cause must relate to the failure to take the particular steps in time (*Mugo v Wanjiri* [1970] EA 481 followed). The delay must not be caused or contributed to by dilatory conduct (*Shanti v Hudocha and others* [1973] EA 207 followed). The Applicants had not instructed their lawyer in time. They had not shown that they were blameless for the delay nor had they shown sufficient cause to justify grant of the extension sought. Application dismissed.

**Cases referred to in ruling**

(“**A**” means adopted; “**AL**” means allowed; “**AP**” means applied; “**APP**” means approved; “**C**” means

considered; “**D**” means distinguished; “**DA**” means disapproved; “**DT**” means doubted; “**E**” means

explained; “**F**” means followed; “**O**” means overruled)

*Balyejusa v Development Finance Company Ltd* civil application number 34 of 2000 (UR)

*Mugo v Wanjiri* [1970] EA 481 – **F**

*Shanti v Hundocha and others* [1973] EA 207 – **F**