**Mubiru & others v Uganda Electricity Board & another**

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

**Date of judgment:** 8 March 1974

**Case Number:** 241/1973 (96/74)

**Before:** Allen J

**Sourced by:** LawAfrica

*[1] Costs – Defence – Revealed only at trail – Costs refused.*

**Editor’s Summary**

The second defendant was registered as the owner of a motor vehicle involved in an accident in which

the plaintiff’s father was killed.

When sued it denied that it was registered as owner of the vehicle. No amendment was made to this

pleading even after the second defendant had been joined. At the trial it was proved that the second

defendant owned the vehicle which was in the first defendant’s name solely as security for a loan.

**Held –**

(i) the first defendant was under no liability to the plaintiffs;

( ii) the first defendant could have made the position clear in its defence and would accordingly be

deprived of its costs.

Order accordingly.

**No cases referred to in judgment**