



THE REPUBLIC OF UGANDA

PRINCIPAL JUDGE'S CHAMBERS  
HIGH COURT OF UGANDA  
P O BOX 7085  
KAMPALA-UGANDA

ELEGRAMS:  
TELEPHONE: 041-4-341257

IN ANY CORRESPONDENCE ON  
THIS SUBJECT PLEASE QUOTE NO. **PJ/ADM.C.47**

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**HIGH COURT OF UGANDA**  
**OFFICE INSTRUCTION NO.1 OF 2014**

TO : ALL REGISTRARS  
: DEPUTY REGISTRARS AND  
: ASSISTANT REGISTRARS

**SUBJECT: GUIDANCE ON GRANT OF INTERIM ORDERS**

- (i) As you are no doubt aware, files under CCAS are allocated to trial Judges on filing though all formal steps preliminary to the trial and all interlocutory applications may, in the absence of the trial Judges, be made and taken before the Registrars. Files, therefore, are for Judges and not Registrars.
- (ii) Over the years a notorious practice of multiple applications being filed simultaneously has evolved, including applications for interim orders, which are most times entertained hurriedly ex parte, before even the substantive applications for temporary injunction are allocated to Judges and/or given hearing dates, which is improper. These ex parte interim orders have at times had the effect of fully or substantially disposing off the main suits thereby changing the status quo, usually an issue for determination in the application for temporary injunction or the main suit, to the annoyance of respondents who are condemned unheard.

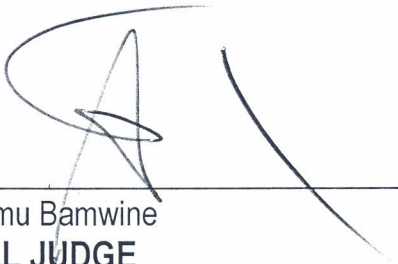
For the above reasons:

- (a) Registrars, the litigating public and counsel are reminded that as a general policy *High court does not encourage the practice of issuing ex parte interim orders.*
- (b) *Where only a plaint has been filed and the defendant has not been served with summons, and the period for filing the defence has not expired, really we cannot talk of any pending suit. We should in such event refrain from entertaining any application in the matter or even hearing any suit ex parte.*

- (c) Where, however, the circumstances of the case dictate issuance of an order for maintenance of the status quo in the interim, that is, for a limited period only pending the disposal of the application for a temporary injunction by the trial Judge, Registrars are enjoined to act judiciously while presiding over such applications so that their decisions are defensible and are in accordance with the law.
- (d) Procedural requirements under Orders 12 and 41 of the Civil Procedure Rules ought to be given due regard, and similarly the rules of natural justice that require that each party be given the opportunity to adequately address court on the matter, implying service on them of the other party's pleadings; the need for the other party to contradict any relevant statement prejudicial to its case; and the requirement not to hear one side behind the back of the other.

In short, not only should justice be done, but it should be seen to be done (*Local Government Board Vs Arlidge [1915] A.C.120*)

- (e) Any such interim order ought to expire upon hearing both parties, unless of course it is extended in their presence for a just cause.
- (f) This instruction takes effect from the date of issue and these points ought to be observed in future to avoid embarrassments.



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Dr. Yorokamu Bamwine  
**PRINCIPAL JUDGE**

- C.c.** : The Hon. The Chief Justice  
: The Hon. The Deputy Chief Justice  
: All Judges, High court of Uganda  
: The Chief Registrar  
: The Secretary to the Judiciary

**REF:** PJ.ADM.C.47

**Date:** 18/12/2014