



3. The Applicant has a plausible defence to the Respondent's claim as she reimbursed the loan through making various deposits to the bank and the Respondent has no claim against her.
4. The Applicant has back pain and she cannot ably access her special meals as her relatives live far from Luzira and they cannot always visit her.
5. That the Applicant has a substantial defence that warrants investigation by this Honorable court, it is not frivolous and it has a high level of success.
6. That it is just and equitable that this honorable court grants the orders in this Application.

**DATED** at Kampala this 06<sup>th</sup> of sept 2024.



**M/S NABUKENYA, MULALIRA & CO. ADVOCATES  
COUNSEL FOR THE APPLICANT**

**COURT:**

**GIVEN** under my hand and seal of this honorable court this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
**D/A/REGISTRAR**

**HIGH COURT OF UGANDA – COMMERCIAL DIVISION**

**DRAWN & FILED BY:**

*Nabukenya, Mulalira & Co. Advocates,  
JP Plaza 1<sup>st</sup> Floor, Suite No. 106 – 108,  
Plot 61 – 67, Nkrumah Road,  
P.O.Box 142559,  
Kampala*



5. That the documents I ever received in regards to this matter was on 25<sup>th</sup> May, 2024 and this was within the same time of my arrest and being taken to court and then detention; those are the documents I received and I did not have time to defend myself as I was told to pay Ugx 99,402,948/= (Uganda Shillings Ninety Millions Four Hundred Two Thousand, Nine Hundred Forty Eight only) or I am taken to prison.
6. That I am currently in Luzira Women Prison as a civil debtor on a matter that I was never afforded an opportunity to be heard at all and I have been advised by my lawyers which advise I verily believe to be true that a fair hearing is a constitutional right an I had to be afforded the same before execution and detention in prison as a civil debtor.
7. That where I am at Luzira Women Prison I have back pain and and I can not ably access my special meals as my relatives live far from Luzira and it is very hard for them to always travel to Luzira to visit me and to bring the various commodities that I need.
8. That I have been advised by my lawyers which advise I verily believe to be true that the time within which I was to seek leave to appear and defend since elapsed and that I have to seek leave of court to extend the time.
9. That I was never served with the summary suit Plaintiff and the summons for me to apply for the said lave to appear and defend within time and the time lapsed as I only got to know about the matter in court at the time of execution.
10. That the Respondent's claim of Ugx 99,402.948/= arose from a loan that was disbursed to me which loan I paid back and the Respondent does not demand me any outstanding balance on the same and I am willing to defend myself against the claims made by the Respondent. **(Copy of my Draft Written statement of defence is herewith attached as annexure 'A' and the bank statement shall be availed at trial as I cannot access it)**
11. That I have school going children who are young and I am their sole provider since I got a divorce from their father court granted me custody and even on the date of my arrest, I was found taking my children to school, I have not seen them since then, they do not know my whereabouts. **(See copy of the Decree absolute and the Return of**



**execution by the Bailiffs attached herewith as annexure 'B' and 'C' respectively)**

12. That I have a good, plausible and viable defence to the claim of the Respondent and this Honorable court should be given an opportunity to subject these claims of the Respondent and my defence to its investigative eye so as to sort out the issues at hand between us before it makes a final Judgment accordingly.
13. That I am willing to deposit in this Honorable court UGX 5,000,000/= (Uganda Shillings ~~Ten Millions~~ <sup>Five Millions</sup> only) as security for costs and be granted the opportunity to defend myself before court determines the matter.
14. That claim before this Honorable court consists of hefty sums of money that the Respondent claims and I contend that I paid back and it would be in interest of justice that I am afforded an opportunity to defend myself.
15. That this Application has been brought without inordinate delay as since my detention in June, 2024, I have been trying to get in touch with my lawyers in vain not until I was visited by a relative who was called by the teachers at school as they could not reach me and I got the opportunity to send them to my lawyers.
16. That in the circumstances, it is just and equitable that the Default Judgment in Civil Suit No. 1090 of 2022 be set aside, that execution of the Decree be stayed, that I be released from civil prison, be granted leave to file my Application for leave to appear and defend and to be granted unconditional leave to appear and defend the suit instituted by the Respondent.
17. That I swear this Affidavit in support of an Application seeking the prayers sought.
18. That whatever I have stated herein above is true and correct to the best of my knowledge and belief and also true as per the sources disclosed herein.

**SWORN** at Luzira Female Prison this 06<sup>th</sup> day of September 2024.


By the said **HAMBA COREEN**

  
**DEPONENT**

**BEFORE ME:**

  
**JUSTICE OF PEACE**



**DRAWN & FILED BY:**

*M/s Nabukenya, Mulalira & Co. Advocates,  
JP Plaza 1<sup>st</sup> Floor, Suite No. 106 - 108,  
Plot 61 - 67, Nkrumah Road,  
P.O.Box 142559,  
Kampala*

" 3 "

**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
(COMMERCIAL DIVISION)  
CIVIL SUIT NO..... OF 2022**

**I & M BANK (UGANDA) LIMITED..... PLAINTIFF  
VERSUS  
COREEN HAMBA..... DEFENDANT**

**PLAINT IN SUMMARY SUIT**

**(Brought under Order 36 Rule 2 of the Civil Procedure Rules S.I 71-1 as amended)**

1. The Plaintiff is a company duly registered under the Laws of Uganda and licensed to carry on the business of banking and financial services whose address of service for the purposes of this suit shall be C/o 2<sup>nd</sup> Floor- AHA Towers, 7 Lourdel Road, Nakasero, Opp. MoH HQs, Kampala, Uganda.
2. The Defendant is a female adult Ugandan presumed to be of sound mind and the Plaintiff's advocates undertake to effect service of court process upon the Defendant.
3. The Plaintiff's claim against the Defendant is for recovery of **UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only)** arising out of breach of contract and costs of the suit.
4. The facts constituting the Plaintiff's cause of action arose as hereunder:
  - a) That on the 7<sup>th</sup> day of March 2017, the Defendant entered into a Kwik cash unsecured Loan Agreement with Orient Bank Limited now operating as I & M Bank (U) Limited- the Plaintiff for **UGX 92,000,000 (Ninety-Two million Uganda Shillings)** at an interest rate of 21.50% p.a for a period of 60 months.
  - b) The purpose of the loan was for house improvement and this was secured by a Letter of Undertaking by the Defendant's former employer Ericsson Uganda.
  - c) The Defendant was under an obligation to repay the said loan by monthly installments of **UGX 2,514,855 (Uganda Shillings Two Million Five Hundred Fourteen Thousand Eight Hundred Fifty- Five Only)** each for a period of 5 years.
  - d) By 14<sup>th</sup> July, 2018, the defendant had defaulted on her contractual obligation having failed to make any payment to clear the debt leaving the whole amount of **UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only)** outstanding.

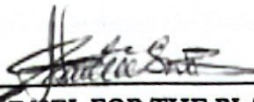
  


- e) Upon default, the Plaintiff made several telephone calls and written demands to the Defendant to meet her loan obligations under the Agreement. The Defendant has to date not made any effort to settle her outstanding debt obligations.
  - f) The Plaintiff has continuously made several reminders to the Defendant to fulfill her loan obligations, but she has totally ignored and refused to comply with the same.
5. The Plaintiff shall aver and contend that the Defendant's actions are in total breach of its obligations under the Loan Agreement and have frustrated the Plaintiff's operations.
  6. The Plaintiff shall further aver and contend that in the circumstances, the Defendant has absolutely no defence to the Plaintiff's claim.
  7. The cause of action arose in the central division of Kampala which is within the jurisdiction of this Honorable Court.

WHEREFORE the Plaintiff prays for judgement against the Defendant for;

- a) Recovery of UGX 99,402,948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only)
- b) Costs of the suit.

Dated at Kampala this 25th day of OCTOBER 2022

  
COUNSEL FOR THE PLAINTIFF

**Drawn and filed by:**  
Libra Advocates,  
2<sup>ND</sup> Floor- AHA Towers,  
7 Lourdel Road, Nakasero,  
Opp. MoH HQs, Kampala, Uganda  
Libraconsultantsug.com  
[www.libraconsultantsug.com](http://www.libraconsultantsug.com)





THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
(COMMERCIAL DIVISION)  
CIVIL SUIT NO..... OF 2022

**I & M BANK (UGANDA) LIMITED..... PLAINTIFF**  
**VERSUS**  
**COREEN HAMBA..... DEFENDANT**

**AFFIDAVIT IN SUPPORT OF SUMMARY SUIT.**

I, **PATRICK KATO** of c/o Libra Advocates, Plot 7 Lourdel Rd, AHA Towers, 2<sup>nd</sup> Floor, Nakasero P.O. Box 28392 Kampala, do hereby swear and state on oath as follows;

1. **THAT** I am a male adult Ugandan of sound mind, the Team Leader Collections & Recoveries of the Plaintiff in this matter well conversant with the facts of this suit and swear this affidavit as such;
2. **THAT** I have read the averment contained in the Plaint in the Summary Suit and confirm the same as true and correct.
3. **THAT** on the 7<sup>th</sup> day of March 2017, the Defendant entered into a Kwik cash unsecured Loan Agreement with Orient Bank Limited now operating as I & M Bank (U) Limited- the Plaintiff for **UGX 92,000,000 (Ninety-Two million Uganda Shillings)** at an interest rate of 21.50% p.a for a period of 60 months. *(A Copy of the Loan Application form between the Defendant and the Plaintiff is attached hereto and marked as "Annexure A")*
4. **THAT** the purpose of the loan was for house improvement and this was secured by a Letter of undertaking by the Defendant's former employer Ericsson Uganda. *(A Copy of the Letter of Undertaking is attached hereto and marked as "Annexure B")*
5. **THAT** the Defendant was under an obligation to repay the said loan by monthly installments of **UGX 2,514,855 (Uganda Shillings Two Million Five Hundred Fourteen Thousand Eight Hundred Fifty- Five Only)** each for a period of 5 years. *(A Copy of the Loan Statement is attached hereto and marked as "Annexure C")*
6. **THAT** by 14<sup>th</sup> July, 2018, the defendant had defaulted on her contractual obligation having failed to make any payment to clear the debt leaving the whole amount of **UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only)** outstanding. *(A Copy of the Customer Statement of Accounts is attached hereto and marked as "Annexure D")*



7. THAT upon default, I made several telephone calls and written demands to the Defendant to meet her loan obligations under the Agreement. The Defendant has to date not made any effort to settle her outstanding debt obligations.
8. THAT I have continuously made several reminders to the Defendant to fulfill her loan obligations, but she has totally ignored and refused to comply with the same.
9. THAT since then, the defendant has not made any effort to settle her outstanding debt obligations of UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only).
10. THAT the outstanding debt of UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only) is still is due and owing by the defendant.
11. THAT I verily believe that in the circumstances, the defendant has absolutely no defence whatsoever to the claims hereto.
12. THAT I swear this Affidavit in support of a summary suit for the recovery of UGX 99,402,948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only).

SWORN at Kampala  
By the said PATRICK KATO  
This 25<sup>th</sup> day of OCTOBER 2022

  
\_\_\_\_\_  
DEPONENT

BEFORE ME

  
\_\_\_\_\_  
COMMISSIONER FOR OATHS



**Drawn and filed by:**  
Libra Advocates,  
2<sup>ND</sup> Floor- AHA Towers,  
7 Lourdel Road, Nakasero,  
Opp. MoH HQs, Kampala, Uganda  
Libraconsultantsug.com  
[www.libraconsultantsug.com](http://www.libraconsultantsug.com)



THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
(COMMERCIAL DIVISION)  
CIVIL SUIT NO..... OF 2022

I & M BANK (UGANDA) LIMITED..... PLAINTIFF

VERSUS

COREEN HAMBA..... DEFENDANT

**SUMMARY OF EVIDENCE.**

The Plaintiff has by affidavit adduced evidence to show that the defendant has deliberately failed to pay the outstanding debt of UGX 99, 402, 948 (Uganda Shillings Ninety-Nine Million Four Hundred Two Thousand Nine Hundred Forty-Eight only) despite repeated demands from the Plaintiff. The defendant has absolutely no defence whatsoever.

**LIST OF WITNESSES.**

1. The Plaintiff.
2. Others with leave of Court.

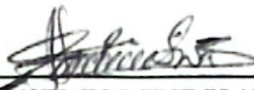
**LIST OF DOCUMENTS.**

1. Loan Application Form
2. Letter of Undertaking
3. Customer Statement of Accounts
4. Loan Statement
5. Other with leave of Court

**LIST OF AUTHORITIES.**

1. The Civil Procedure Act Cap 71.
2. The Civil Procedure Rules S.I 71-1 as amended.
3. The Contracts Act 2010.
4. The Evidence Act Cap 6.
5. Case law and common law.
6. Others with leave of Court.

Dated at Kampala this 25<sup>th</sup> day of OCTOBER 2022

  
COUNSEL FOR THE PLAINTIFF

**Drawn and filed by:**

Libra Advocates,  
2<sup>ND</sup> Floor- AHA Towers,  
7 Lourdel Road, Nakasero,  
Opp. MoH HQs, Kampala, Uganda  
[www.libraconsultantsug.com](http://www.libraconsultantsug.com)



11/2/23



2<sup>nd</sup> Floor – AHA TOWERS  
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21<sup>st</sup> February, 2023

Our Ref: LAC/21/02/23

The Registrar,  
High Court of Uganda,  
Commercial Division,  
KAMPALA

Your Worship,

**RE: CIVIL SUIT NO. 1090 OF 2022; I & M BANK (UGANDA) LIMITED V COREEN HAMBA**

We refer to the above suit wherein we represent the Plaintiff

Summons and the Summary Plaintiff in the above suit were served on the Defendant on the 17<sup>th</sup> December, 2022. The Affidavit of service is enclosed herewith

The 10 (ten) days within which the Defendant was required to apply for leave to appear and defend the suit have since elapsed without her applying for leave to appear and defend the suit.

Accordingly, we pray that you enter a default judgment in favour of the Plaintiff under Order 36 Rule 3(2) of the Civil Procedure Rules SI 71-1 for:

- a) Payment of UGX 99,402, 948 (Uganda Shillings Ninety nine million four hundred two thousand nine hundred forty eight only)
- b) Costs of the suit.

Yours faithfully

  
Libra Advocates

Default Judgment is entered in the above terms this 02 day of May, 2023

  
 \_\_\_\_\_  
 REGISTRAR JUDGE

  
 OFFICER IN-CHARGE  
 06 SEP 2024  
 LUZIRA (W)  
 UGANDA PRISON



**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
COMMERCIAL DIVISION  
CIVIL SUIT NO. 1090 OF 2022**

**I & M BANK (UGANDA) LTD :::::::::::::::::::::::::::::::::::::: PLAINTIFF**

**VERSUS**

**HAMBA COREEN :::::::::::::::::::::::::::::::::::::: DEFENDANT**

**DRAFT WRITTEN STATEMENT OF DEFENCE.**

1. Save as is hereinafter expressly admitted, the Defendant denies each and every allegation contained in the Plaintiff as if the same were herein set forth verbatim and traversed seriatim.
2. At the hearing, the Defendant shall raise a preliminary objection that the Plaintiff doesn't disclose a cause of action against her, its brought in bad faith, its frivolous, vexatious and therefore the same needs to be struck out with costs.
3. The Defendant takes note of **Paragraphs 1 & 2** of the Plaintiff and admits that she is of sound mind and adds that her address of service for purposes of this suit shall be **C/o M/s Nabukenya, Mulalira & Co Advocates, JP Plaza, Suite 106 - 108, Plot 61/67 Nkrumah Road, and P.O. Box 21245, Kampala.**
4. The Defendant avers that the Plaintiff is not entitled to the prayers sought under paragraph 3 and shall pray for dismissal of the suit with costs.
5. The Defendant in reply to paragraphs 4 - 5 avers that whereas she entered into a loan agreement with M/s Orient Bank, the said loan was paid back using her salary as an employee at Ericson and the statements shall be availed at trial.
6. The Defendant avers that there is no outstanding balance on the said loan and the Plaintiff shall be put to strict proof.
7. The Defendant submits to the jurisdiction of the court


**REASONS WHEREFORE**, the Defendant prays that this Honorable Court be pleased to dismiss the Plaintiff's suit with costs awarded to the Defendant.

**DATED** at **KAMPALA** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
**M/S NABUKENYA, MULALIRA & CO. ADVOCATES**  
**(COUNSEL FOR THE DEFENDANT)**

**COURT:**

**LODGED** in the **REGISTRY** of this Court this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
**D/REGISTRAR**

**DRAWN & FILED BY:**

*M/S Nabukenya, Mulalira & Co. Advocates  
J.P. Plaza, First Floor Suite No. 105,  
Plot 61-67 Nkrumah Road,  
P.O. Box 21245,  
KAMPALA.*





THE REGISTRAR

HIGH COURT COMMERCIAL DIVISION

Your worship,

**RE; RETURN OF EXECUTION VIDE EMA NO. 0790 OF 2023  
ARISING FROM CIVIL SUITE NO. 1090 OF 2022**

**I&M BANK UGANDA LIMITED: PLANTIFF/JUDGMENT CREDITOR**

**VERSES**

**COREEN HAMBA: DEFENDANT/JUDGEMENT DEBTOR**

The above captioned matter refers,

1. That on the 30<sup>th</sup> day of may this year I received a **warrant of arrest** to arrest the judgment debtor from this honorable court.
2. That on the 17<sup>th</sup> day of June 2024 after doing proper ground work, together with other three staffs using motor vehicle UBA 864L we preceeded to Entebbe where we got information that the judgment debtor was hiding for so long.
3. That upon reaching Entebbe, the judgment debtor was traced while bringing her daughter at school in the morning that is Entebbe education center.
4. That I approached her, introduced myself and purpose while reading and interpreting for her all court documents. She was polite and in the know of the matter.
5. She requested to first take her at her rented residence nearby to pick some required documents before proceeding to court which we accepted and did so.
6. That we proceeded to court peacefully without any scuffle
7. That court proceeded in presence of judgment creditor's lawyer and in presence of judgment debtor and she was committed to Luzira civil prison.
8. That after processing all required documents from this honorable court , together with a police officer we took the judgment debtor to Luzira civil prison women section where she was received by prisons officers on duty at around 5:30 PM

I so return this warrant fully peacefully executed pending filling my bill of cost.

Much obliged

*Musilgerogers*  
Estate & Property Managers, Money Lending, Receivers & Consultants, Debt Collectors, Auctioneers,  
Commission Agents, Court Bailiffs, (011) 25679, Company Documents

