

**THE REPUBLIC OF UGANDA**  
**IN THE COURT OF APPEAL OF UGANDA AT**  
**KAMPALA**  
**MISCELLANEOUS APPLICATION NO.10 OF 2021**  
**ELECTION PETITION APPEAL NO.20 OF 2021**

*(Arising from two Rulings of the High Court (Civil Division) in Election Petition No.002 of 2021 one dated 13<sup>th</sup> September, 2021 delivered by the Hon. Lady Justice Margaret Apiny, another dated 12<sup>th</sup> April 2020 delivered by Hon. Mr. Justice Philip Odoki)*

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10 **NYANZI FRED SENTAMU=====APPELLANT**

**V**

- 1) **THE ELECTORAL COMMISSION**  
2) **THE RETURNING OFFICER KAMPALA CENTRAL**  
3) **NSEREKO MOHAMMAD=====RESPONDENTS**

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**CORAM**

**HON. MR. JUSTICE GEOFFREY KIRYABWIRE, J.A.**

**HON. MR. JUSTICE STEPHEN MUSOTA, J.A.**

**HON. MR. JUSTICE CHRISTOPHER GASHIRABAKE, J.A.**

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**JUDGMENT OF THE COURT**

## INTRODUCTION

The Appellant appealed against two Rulings of the High Court (Civil Division in Election Petition No. 002 of 2021 one dated 13<sup>th</sup> September, 2021 delivered by the Hon. Lady Justice Margaret Apiny, another dated 12<sup>th</sup> April 2020 delivered by Hon. Mr. Justice Philip Odoki)). In the first one Election Petition No. 02 of 2021 the Appellant's Election Petition was struck out because he had not served the third Respondent personally with the Notice of Presentation of the Petition and the Petition (hereinafter referred to as the Petition). While in the second one, Miscellaneous Application No. 192 of 2021 an Application for substituted service was denied by the court.

## BACKGROUND

The Appellant was among the contestants for the vacancy of Member of Parliament for Kampala Central Constituency. The Elections were conducted by the first and second Respondents on 14<sup>th</sup> January, 2021. At the conclusion of the polling the third Respondent was returned as the duly elected Member of Parliament having polled 16,998 votes while the Appellant polled 15,975 votes. The Appellant was dissatisfied with the results of the Election.

He Petitioned the High court (Civil Division) challenging the Election results and seeking nullification of the results of the Elections. He complained that the Election was not conducted in accordance with the Electoral laws and this non-compliance affected the results of the election in a substantial manner.

At the hearing of the Petition, the Appellant filed an Application (Misc. Application No. 192 of 2021) seeking Orders that the time within which to serve the third Respondent be enlarged and that service of the Petition on the