**THE REPUBLIC OF UGANDA**

**IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA**

**MISC. APPL. NO. 080 OF 2019**

**[ARISING FROM LABOUR DISPUTE REFERENCE NO. 176/2017]**

**BETWEEN**

**NYEKO SANTOS………………………………………………………….…….……...………..…..APPLICANT**

**VERSUS**

**BOARD OF GOVERNORS OF MARY**

**REPATRIX SECONDARY SCHOOL……………...…………………………….………..RESPONDENT**

**BEFORE**

1. Hon. Chief Judge Ruhinda Asaph Ntengye
2. Hon. Lady Justice Linda Lillian Tumusiime Mugisha

**PANELISTS**

1. Mr. Bwire John Abraham
2. Ms. Julian Nyachwo
3. Mr. Katende Patrick

**RULING**

This is a ruling arising from the above application that seeks for joining the respondent in the application as a respondent in Labour Dispute Reference 176/2017.

**Order 1 rule 9 of the Civil Procedure Rules** provides that no suit can be defeated by reason of misjoinder or non-joinder of parties. Rule 10 of the same order provides that where a suit is filed in the name of a wrong party as plaintiff court may order substitution or addition of a right party to the proceedings.

We have carefully perused the notice of motion and the supporting affidavit. We have also perused the submissions of the applicant.

It is our considered opinion that in line with **Order 10 rule 1 above mentioned**, this court finds it necessary to add the respondent in this application as a respondent in Labour Dispute Reference No. 176.2017 in order to determine the contentious matters in the said Labour Dispute. The application is therefore allowed with no orders as to costs. The applicant shall serve the necessary papers onto the respondent within 21 days of delivery of this ruling.

**Delivered & signed by:**

1. Hon. Head Judge Ruhinda Asaph Ntengye ……………………

**PANELISTS**

1. Mr. Bwire John Abraham ……………………
2. Ms. Julian Nyachwo ……………………
3. Mr. Katende Patrick ……………………

Dated: 10TH SEPTEMBER 2021