

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT KAMPALA  
**FAMILY CAUSE NO 50 OF 2005**

In the matter of an application for guardianship of Duncan Mugero Wampande and Martha  
Mugero Nabirye (minors) by Mugero Christopher (applicant)

**22<sup>nd</sup> November 2005**

**BEFORE: HON. MR. JUSTICE ELDAD MWANGUSYA:**

**RULING:**

This is an application by a notice of motion for orders that the applicant be appointed legal guardian of Duncan Mugero Wampande aged 13 years and Martha Mugero Nabirye aged 7 years. The applicant and both infants attended the hearing of this application.

According to the Notice of Motion and the Supporting Affidavit of the applicant the purpose of the application for the guardianship order is to get access to some money left in trust for the infants so that he can use it for their maintenance. The money was left for the infants by their mother who is deceased. As the father of the infants, the applicant is already taking care of them and his access to the first funds will enable him to cater more for their interest.

Therefore having studied the application and having heard Mr. Vincent Kamugisha counsel for the applicant I am satisfied that this is a proper case for grant of a guardianship order as it will be in the best interest of the infants in regard to their welfare. The order of guardian is accordingly granted to the applicant in respect of the two infants to enable him access the trust funds for their use.

Eldad Mwangusya

**JUDGE**

**Court:**

I will be away for a criminal session opening in Mbarara on 22/11/2005. The Assistant Registrar (Family) is directed to deliver this ruling to the parties on 22/11/2005.

Eldad Mwangusya

**JUDGE**

**17/11/2005**

**22/11/2005**

Mugero Christopher/applicant present.

Vicent Kamugisha absent (counsel).

**Court:**

Ruling delievered.

John O.E. Arutu

**REGISTRAR FAMILY**

**22/11/2005**

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**FAMILY CAUSE NO. 50 OF 2005**  
**IN THE MATTER OF AN APPLICATION FOR GUARDIANSHIP OF DUNCAN**  
**MUGERO WAMPANDE AND MARTHA MUGERO NABIRYE (MINORS) BY**  
**MUGERO CHRISTOPHER (APPLICANT)**  
**BEFORE: HON. MR. JUSTICE ELDAD MWANGUSYA:**

**RECORD OF PROCEEDINGS:**

**21/10/2005**

The applicant is in court without his counsel.

**Applicant (Mr. Mugero Christopher):**

My lawyer is indisposed. I pray for another date.

**Court:**

Application adjourned to 10/11/2005 at 9.00 a.m. for hearing.

Eldad Mwangusya

**JUDGE**

**21/10/2005**

**10/11/2005**

Mr. Kamugisha Vicent for the applicant.

The applicant is in court with one of the minors.

The second minor is not in court.

Ms. Nakibuka court clerk.

**Court:**

This application cannot be heard in absence of one of the minors. Adjourned to 14/11/2005 at 9.00 a.m. for hearing.

Eldad Mwangusya

**JUDGE**

**10/11/2005**

**14/11/2005**

Mr. Vicent Kamugisha counsel for the applicant.

The applicant is in court together with the two infants.

Ms. Marriam Nakibuka court clerk.

**Mr. Vicent Kamugisha:**

This application is brought under O.48 Rules 1,2 and 3 of CPR and S.98 of CPA and S.33 of Judicature Act.

The applicant is seeking for orders to be appointed a legal guardian of Duncan Mugero Wampande who is aged 13 years and Martha Mugero Nabirye 7 years. The application is on the ground that he is the biological father of the two infants. The infants mother is deceased. The applicant takes care of their needs. The applicant has annexed affidavits of infants birth certificate.

Under para 4 of applicants affidavit he deposes that their mother left some money in trust for them and he has been advised that to access it he requires a guardianship. I have communication from the Bank of Uganda that the trustee funds can only be accessed by a guardian not an administrator of the estate.

I pray that a guardianship order be granted to the father of the infants to enable him access their funds for their needs.

I so pray.

**Court:**

Ruling to be delivered on 22/11/2005 at 9.00 a.m.

Eldad Mwangusya

**JUDGE**

**14/11/2005**