

THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT MBARARA

**HCT-05-CV-CR-0001-2005**

(From Decision of LC III Court of Shuuku Sub-county)

SARAH NKONGI .....APPLICANT

VS

RWANYAMUKINYA MOSLEM COMMUNITY .....RESPONDENT

BEFORE: THE HON. MR. JUSTICE P. K. MUGAMBA

RULING

It has been the contention of the applicant that the respondent herein is not an entity at law and that as such it should not have been accorded locus standi in the L.C. Court and that the resulting judgment could not have properly been given in its favour owing to such incapacity.

The respondent is known as Rwanyamukinya Moslem Community. It is not registered anywhere. In Posts and Telecommunications vs Terrazo Paviers [1973] EA 344 which dealt with a firm which was not a corporation sole Court stated that a firm which did not have a legal personality could not appear as such. Court stated further that appearance is the process by which a person against whom a suit has been commenced shows his intention to defend the suit and submits to the jurisdiction of the court. In the case of a non-legal personality such as a firm it is necessary to have or record the name or names of the partners who are appearing and therefore submitting to the jurisdiction of the court. In the instant matter several persons were interested in the matter as members of a certain community but this does not bestow on them corporate personality. While it is noteworthy the suit was first instituted by the applicant herein and that the respondents were dragged to court, so to speak, this in my opinion does not make any difference in the legal status of the respondent.

I find the respondent lacks the locus standi and I quash the judgment of the L.C. III Court of Shuuku and set aside its orders. Since the respondent was not responsible for initiating the action parties are to bear their costs.

P. K. Mugamba

Judge

5th July 2005

Mr. Ngaruye for the applicant

Mr. Tumwesigye for the respondent

MS Tushemereirwe court clerk

Court:

Ruling read in open court.

P. K. Mugamba

Judge