

**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA  
HOLDEN AT MBALE**

**HCT-04-CR-CR-0015-2011**

**(FROM SIRONKO FAMILY CAUSE NO. 21/2011)**

**MWAMBU IMMACULATE.....APPLICANT**

**VERSUS**

**WODONYA SISACH .....RESPONDENT**

**BEFORE: THE HON. MR. JUSTICE MUSOTA STEPHEN**

**ORDER IN REVISION**

This matter was referred to this Court by the learned Chief Magistrate through her supervisory powers. In her letter of reference, she states and I quote:

“.....

*The above matter was handled by the Magistrate Grade II Sironko and came to me by way of appeal (CA 19/2011).*

*A close scrutiny of the lower court record and the cause of action establishes that the Magistrate acted without jurisdiction in entertaining a suit seeking declaratory orders of property to belong to the applicant.*

*In his judgment, the Magistrate decreed the following property to belong to the applicant:*

- 1. Plot and house under construction.*
- 2. Plot in front of that house.*
- 3. Land at the bank of river Sironko.*
- 4. Land adjacent to District Headquarters.*
- 5. Commercial house at Sironko town council.*

*S. 14 of the Children Act limits jurisdiction of the Family and Children Court to criminal charges against a child subject to S.93 and 94 and to applications relating to child care and protection more specifically, the Land Act and practice directives issued by the Chief Justice in respect of land justice administration does not grant jurisdiction in land matters to Grade II Magistrate.*

*The purpose of this communication is to request that the file before the Hon. Resident Judge for revisional orders.”*

I have perused the record of the lower court and I am in total agreement with the views of the learned Chief Magistrate. I was surprised, embarrassed and taken aback by the rudimentary record the Magistrate based on to make his far reaching

orders relating to the property in question. The trial Magistrate had no jurisdiction to proceed and make the pronouncements he made. All his orders are a nullity. The procedure adopted by the Magistrate is unknown in law. The file is comprised of a chamber summons and written statement of defence. The claim by the applicant was for maintenance and custody. No evidence was recorded by the trial court. I wonder how he reached his conclusions.

The orders by the Magistrate have nothing to do with custody and maintenance. I am left wondering whether this Magistrate went to the law school. His actions amount to abuse of court process, production of sub-standard work and professional misconduct to which the attention of the Chief Registrar should be drawn for appropriate action.

The illegal orders by this Magistrate are quashed and set aside.

**Stephen Musota**

**JUDGE**

**7.2.2012**