

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA HOLDEN AT GULU

CIVIL SUIT No. 015/2020

RWOT LUWUM BISHOP & 83 OTHERS

PLAINTIFFS

Versus

1. BOARD OF GOVERNORS,

KITGUM CORE PRIMARY TEACHERS' COLLEGE

2. KITGUM DISTRICT LAND BOARD

3. KOMAKECH WILLIAM

DEFENDANTS

BEFORE HON. MR. JUSTICE PHILIP W. MWAKA.

RULING.

This Ruling arises from the proceedings of the Court on the 20th September, 2023 in which the Plaintiffs and Defendants, through their Counsel, briefed Court on ongoing Mediation Proceedings and prayed that the Mediation proceedings are allowed to continue - until a day to be fixed by the Court when the Mediator would submit his Report on the outcome of the Mediation. The suit and counter claim are in respect of ownership of land as well as allegations and cross allegations of trespass.

As far as can be discerned from the Court record, the Mediation was directed by the Hon. Justice Alex Mackay Ajiji the Presiding Judge at the time with Bishop Kitara Wilson being appointed as the Mediator on the 28th June, 2022. The matter was adjourned for a report from the Mediator to be submitted on record on the 17th August, 2022. The matter was in Court on Two (2) other dates in which it was adjourned enable continuation of the Mediation process.

There are, however, no Case/Mediation Summaries on the Court File. See: The Judicature (Mediation) Rules SI 10/2013 which replaced The Judicature (Commercial Court Division) (Mediation) Rules, SI No. 55/2007.

Representation.

The Plaintiff was represented by Counsel Mr. Owor Abuga. The 1st and 3rd Defendants were represented by Counsel Mr. Okello Oryem. The 2nd Defendant was represented by Counsel Mr. Louis Odongo. The 1st and 2nd Plaintiffs were present in Court. The 1st Defendant was represented in Court by Mr. Charles Olara Ocitti, a Member of its Board.

Proceedings of the Court.

At the proceedings, Counsel, Mr. Okello Oryem informed the Court that he was aware that the Mediation commenced at Kitgum Core Primary Teachers' College and was being done at the level of the Ministry of Education and Sports. The Attorney General's Chambers were involved and participated in the Mediation proceedings, as Co – Counsel for the 1st Defendant.

Both Mr. Okello Oryem, as Counsel for the 1st and 3rd Defendants, and Mr. Owor Abuga, as Counsel for the Plaintiffs, informed Court that they were not involved in the Mediation proceedings and were unaware of the outcome.

Mr. Okello Oryem prayed that the Mediation proceedings are allowed to continue and that the matter is adjourned until such a time as the Court shall fix for an update from the Office of the Attorney General as Co – Counsel representing the 1st Defendant and, or a report is submitted by the Mediator Bishop Kitara Wilson on the outcome of the Mediation proceedings. Both Mr. Owor Abuga and Mr. Louis Odongo had no objection.

Decision of the Court.

Having considered the prayer and submissions of Counsel, the willingness of the parties to continue with the Mediation process and the circumstances of this suit, the Court is of the considered view that the parties to the Mediation proceedings being conducted by Bishop Kitara Wilson should exhaust the process with the involvement of the Attorney General and the Ministry of Education and Sports.

The Court is alive to the timelines for the Mediation process, the requirement for formalities and the confidential as well as voluntary nature of the Mediation process under The Judicature (Mediation) Rules SI 10/2013 and the Civil Procedure (Amendment) Rules, SI No. 33/2019. See: Civil Appeal No. 110/2018: Odong Jackson Vs. Odongkara Joe (High Court, Gulu – Hon. Justice Stephen Mubiru), Miscellaneous Application No. 150/2020: Carlton Douglas Kasirye Vs. Sheena Ahumuza Bageine (Hon. Justice Boniface Wamala), Miscellaneous Application No. 448/2016: Okello Okidi Simmons Vs. Acacia Finance Ltd (Hon. Justice Christopher Madrama Izama), Miscellaneous Application No. 243/2009: Betuco (U) Ltd & Anor Vs. Barclays Bank Uganda Ltd & 3 Others (Hon. Justice Lameck Mukasa).

Much as the parties have expressed their willingness to exhaust the Mediation process; the Mediation process cannot, however, be endless let alone non-responsive in terms of feedback to the Court which referred the matter to Mediation in the first place.

In the circumstances therefore and in the interests of justice, the Court hereby orders that the Mediation proceedings continue until the 24th October, 2023 when the appointed Mediator Bishop Kitara Wilson shall report on the status and, or outcome of the Mediation.

Orders of the Court.

Accordingly, the Court makes the following Orders: -

1. The Mediation proceedings shall continue until the 24th October, 2023.
2. The appointed Mediator Bishop Kitara Wilson shall report on the status and, or outcome of the Mediation process on the 24th October, 2023 at 09:00 am.
3. Each party shall bear its own costs.

It is so Ordered.

Signed, Dated and Delivered at the High Court, Gulu on the 20th day of September, 2023.


Philip W. Mwaka

85 Acting Judge of the High Court.

In Attendance.

Ruling delivered on the 20th day of September, 2023 in the presence of: -

1. Mr. Owor Abuga, Counsel for the Plaintiffs.
- 90 2. Mr. Okello Oryem, Counsel for the 1st and 3rd Defendants.
3. Mr. Louis Odongo, Counsel for the 2nd Defendant.
4. The 1st and 2nd Plaintiffs present in Court.
5. The 1st Defendant was represented in Court by Mr. Charles Olara Ocitti, a Member of its Board.

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Philip W. Mwaka

Acting Judge of the High Court.

20th day of September, 2023.

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