

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA TORORO
FAMILY CAUSE NO. 001 OF 2023**

**IN THE MATTER OF MELVIN OLUPOT CHARLES & OLUPOT KEVIN
[CHILDREN]**

AND

**IN THE MATTER OF AN APPLICATION FOR LEGAL GUARDIANSHIP
BY OLUPOT MOSES [APPLICANT]**

Before: HON. DR. JUSTICE HENRY I KAWESA

RULING

This application is brought under Article 139(1) of the Constitution, Section 98 of the Civil Procedure Act, Sections 14, 33 and 39 of the Judicature Act and O.53 Rules 1,2 and 3 of the Civil Procedure Rules.

The application seeks orders that;

- 1. The Applicant be appointed a legal guardian of the children to wit;**
 - a) Melvin Olupot Kevin and;**
 - b) Maslin Olupot Kevin for purposes of transferring their interest in property comprised in FR 839 Folio 2, Plot 369 located at Tororo Road, Malaba Town Council to their elder brother Olupot Jacob.**

According to the affidavit sworn in support of the application deponed by the Applicant, it is averred that the Applicant is the biological father of the minors; Melvin Olupot Charles aged 17 years and Maslin Olupot Kevin aged 14 years.

Other grounds are detailed as per paragraphs 2 – 19 of the said affidavit.

This application was *ex-parte* as it sought guardianship orders for the Respondents who are minors. The law that governs guardianship is provided for by law and according to **Sections 3 and 4 of the Children Act**, it is a requirement that when dealing with children's' issues, their welfare is paramount.

In this instant case, all factors considered as pleaded and summed up in the submissions, it is a fact that the interests of the minors herein are hinged upon the role of the Applicant as their biological father.

The transaction which culminated into their being registered on the title was based on the desire by the Applicant to secure land for his family and hence the involvement of his wife; Namubiru Jacinta; the mother of the children; Melvin Olupot Charles aged 17 years and Maslin Olupot Kevin aged 14 years respectively. He is also the father of Olupot Jacob who is currently using the land and was the sole financier of the project.

All factors considered. I agree with Counsel for the Applicant's submissions that the best interest of these minors, will best be served

if the guardianship order is granted to their father (Applicant) so that the titles are accordingly rectified.

I therefore grant this application in terms as prayed.

I so order.

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Dr. Henry I. Kawesa

JUDGE

23/01/2023.

23/01/2024:

Counsel Ritah Maloba for the Applicant.

Applicant in Court.

Oketch - clerk.

Counsel for the Applicant.

Matter coming up for ruling and ready to receive it.

Court:

Ruling delivered and read before the Applicant and Counsel for the Applicant.

Sgd:

Edimu Hellen

AG. ASST. REGISTRAR

23/01/2024 at 3.00 pm.