

of the  
Criminal P of  
reasonable pi  
to discharge  
THE REPUBLIC OF UGANDA  
THE HIGH COURT OF UGANDA AT KAMPALA

Sira Karaka v. Adonia Tiromwe

ting that the fi  
of the Penal  
Judgement  
(Civil Appeal No. 5 of 1975)

J in arresting  
and detained  
'by the fact  
lanation did  
to satisfy the  
[The] was  
bought those  
night.  
Civil Procedure - Plaint - Plaintiff in a defamation action did not allege persons to whom publication was made nor  
the words uttered were false and published maliciously - whether these matters are essential in pleadings -  
whether plaintiff bad in law - whether it disclosed any cause of action.

There was an appeal against the decision of Magistrate Grade 1 in a defamation action filed against the appellant. One of the grounds of appeal was that "The Magistrate erred in law to hear the case after rejecting the appellant's application for rejecting the plaintiff which was bad in law and did not disclose any cause of action."

The plaintiff contained only two paragraphs, namely the claim and the prayer. The first paragraph stated "The plaintiffs claim against the defendant is for general damages for slander in that on 21<sup>st</sup> day of December 1970 the defendant came into the plaintiffs home at Ntungamo village and in the presence of the plaintiffs family and other villagers the defendant defamed the plaintiff by saying that the plaintiff was a habitual thief and allowed mate Indian to commit unnatural sexual acts with him."

The defendant in the 2<sup>nd</sup> paragraph averred that at the trial he would say that the plaintiff was bad in law and disclosed no cause of action. And in paragraph 5 said the words did ' not have a defamatory meaning.

Held: 1. In an action for defamation the plaintiff must contain among other averments (1) the allegation of publication and reference to the plaintiff. (2) the words complained of (3) the defamatory meaning.

2. The persons to whom the words complained of were published should whenever possible, be included in the plaintiff. In the instant case although the plaintiff was in the position to name them he did not do so.

3. In an action for slander it is necessary to prove the substance of the words alleged to have been uttered that they were false and published maliciously. The plaintiff in the instant case did not aver falsity or malice of the words used.

4. It was incumbent upon the respondent to prove defamatory meaning of these words and their falsity and malice or to include detailed averment of the defamatory meanings which he alleged were borne by the words used.

5. Although the action was actionable per se and no particulars of special damages were required to be averred, it is still necessary to give details of the defamatory meanings whether those meanings were inherent in the words or not.

6. Since in the instant case the plaintiff failed to aver these essential matters in the pleadings, the plaint was bad in law and disclosed no cause of action.

Appeal allowed with costs.

Lubogo, J

November 10<sup>th</sup>, 1976