**THE REPUBLIC OF UGANDA**

**IN THE HIGH COURT OF UGANDA**

**HOLDEN AT MBALE**

**HCT-04-CV-CR-0017-2012**

**(FROM BUBULO CIVIL SUIT NO. 69/2012)**

**NASIRA IRENE..………………………………………………APPLICANT**

**VERSUS**

**WANTSALA JAMES…………………………………………..RESPONDENT**

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

**REVISION ORDER**

I have perused the original record in view of the comments by the learned Chief Magistrate.  I noted that the procedure adopted by the learned trial Magistrate is unknown in law.  The whole process amounted to a mistrial and an abuse of court process.  The summons to file a defense was issued on 12.6.2012.  The same was purportedly served on the same day.  The defendant was given 21 days to file a defense.

 Before the days expired a default judgment was entered on 9.7.2012.  It appears formal proof was done on 10.7.2012 and without a judgment a Notice to show cause was issued on the same day.  There is no evidence that Notice to show cause was served.  Two days later on 13.7.2012, a warrant of arrest in execution was issued.

 In the circumstances I will have no hesitation in quashing and setting aside the proceedings of the trial Magistrate and orders.

A retrial in accordance with the law will be ordered before another Magistrate.

**Stephen Musota**

**JUDGE**

**24.01.2013**

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