

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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