

Briefly the background of this suit is that the plaintiffs were given admission letters by the respondent Institution for admission as students of Bachelor of Engineering in Civil and Building Engineering at the respondent Institution. They attended the course, took the exams, did the assignments and successfully completed the course. Sometime during their time of study at the University, they were summoned on allegations that their admissions were suspect in as far as they did not apply for the courses. No action was taken until after they had completed the course and cleared with all the relevant offices for graduation. Their names were left out of the graduation list and they were not awarded their degrees and transcripts. They were aggrieved and filed this suit for the orders I have already outlined in this judgment.

The 5th plaintiff's case against the defendant was on 8th December 2016 by consent withdrawn with each party to bear its own costs.

At the hearing of the case Mr. Henry Kisaslu appeared for the 1st and 2nd plaintiffs, Ochieng Evans appeared for the 6th plaintiff, Ivan Wanumme appeared for the 5th plaintiff. Sarah Kisubi appeared for the defendant.

To prove the claims of damages, the plaintiffs presented witness statements.

I have considered the evidence, submissions and pleadings. I will go ahead and determine whether the plaintiff is entitled to the reliefs sought. The plaintiffs claim several prayers in the plaint as outlined at the beginning of this judgment. I shall consider one by one for convenience.

A declaration that the defendant's act of holding on to the plaintiffs' academic documents is unlawful:

This was conceded since there was no justification for the holding of the certificates and transcripts.

Before I deal with the prayers on damages I must observe that to achieve the end of justice, there are well established rules and principles that govern the award of damages in Civil Cases. These rules and principles are firmly rooted in the Common Law and doctrines of equity which are part of the law applicable in Uganda under **Section 14 (2) of the Judicature Act Cap. 13.**

Damages are usually incapable of precise assessment. This Court is aware that it cannot by any arithmetical calculation establish the exact amount of money which would represent such a thing as the pain and suffering which a person has undergone by reason of actions of another. However, as long as, the plaintiff has proved facts on which an approximation can be based, the Court must award a reasonable sum as damages unless, of course, there is a public policy consideration which prevents such a plaintiff from claiming damages on the facts of that particular case. Damages must not be too high or too low with regard to the circumstances of a particular case. Damages should not be awarded from sentimental considerations. Damages are, in their fundamental character, compensatory, and not a punishment. In certain circumstances, the Court may award more than the normal measure of damages, by taking into account the defendant's motives or conduct, and in this case the damages may be 'aggravated damages' which are compensatory or 'exemplary damages' which are punitive. Whenever an injury is done to a right, the law will presume damage. Thus, as a general rule, proof of actual damage is not essential to entitle a plaintiff to an award of damages. I shall take into account these principles in deciding this case.

General damages:

General damages, according to Lord McNaughton in the oft-cited case of **Stroms Vs Hutchinson [1905] AC 515**, are such as the law will presume to be the direct natural or probable consequence of the act complained of. 'General damages' relate to all other items of damage whether pecuniary or non-pecuniary. This Court finds that an award of UGX.50,000,000/= (fifty million only) each is sufficient to compensate the 1st 2nd and 6th plaintiffs for the loss and suffering they

have experienced for their frustrated legitimate expectation of practicing the engineering profession and all the shame disgrace and humiliation that the actions of the respondent University caused them since the date on which they were supposed to graduate. The 3rd and 4th plaintiffs did not produce any evidence in Court so this Court has no basis on which to award them any damages and so declines to do so. The 5th plaintiff withdrew the case so no damages can be awarded to him.

Costs of the Suit:

Costs follow the event unless circumstances exist to deny a party such costs. In this case none of such circumstances exists. Costs awarded.

I so order.

Stephen Musota
J U D G E

20.04.2017