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The Republic of Uganda

In the High Court of Uganda at Soroti

Miscellaneous Application No. 0090 of 2022

(Arising from Civil Appeal No. 0026 of 2021)

(Arising from Civil Suit No. 007 of 2014)

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Retired Col. William Omaria :: Applicant

Versus

Omar Abule :: Respondent

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Before: Hon. Justice Dr Henry Peter Adonyo

Ruling:

1. Background:

20 This is an application by way of Notice of motion under section 99 of the Civil Procedure Act, section 33 of the Judicature Act, Order 52 rules 1, 2 & 3 of the Civil Procedure Rules for orders that page 10 of the judgement of this Honourable court dated 12th April 2022 be corrected to reflect that the witness statement of the respondent / evidence in chief was explained to the Respondent in Ateso and English and not Acholi and English, and that costs of the application be provided
25 for.

The grounds of this application as set out in the application and the supporting affidavit which are briefly that the applicant is the successful party in Civil Appeal No. 26 of 2021 but that there is a clerical error in the court's judgement at page 10 where it is stated that the Respondent witness statement / evidence in

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5 chief was explained to him in Acholi and English yet the correct position is that
he Respondent witness statement / evidence in chief was explained to him Ateso
and English. The respondent made no reply despite being served.

2. Submission:

According to the applicant, this is a clerical error that can be corrected under the
10 **Slip Rule** and that the Respondent shall not be prejudiced if this application is
granted.

In his submission in support of this application made by his Counsel, the applicant
submitted that the Slip Rule is the process by which a court may correct an
accidental slip or an omission in a judgment or an order with this rule only
15 covering genuine slips or omissions in the wording of a sealed court order or
handed down judgement which were made by accident.

Counsel additionally submitted that from the record, it is clear that this court
while performing its duty as the appellate court in Civil Appeal No. 26 of 2021
upheld the entire judgement and orders of the lower trial court in Civil Suit No.
20 007 of 2014 though at page 10 paragraph 15 of its judgement there was an error
where it slipped and stated that the Respondent/ applicant evidence in chief was
explained to him in Acholi and English yet from Civil Suit No. 007 of 2014 it
was clear that the Respondent witness statement / evidence in chief was stated to
have been explained to him Ateso and English. This is the slip / error which the
25 applicant wishes to be corrected so that the true position and wordings are in this
court's judgment dated 12th April 2022 at page 10 of its judgment.

3. Resolution:

According to Nexis Lexis, Slip rule is the rule that allows the court to correct
accidental slips or omissions in judgments and orders at any time. See:
30 <https://www.lexisnexis.co.uk/legal/guidance/judgments-orders...>

5 Ordinarily this rule applies where all the parties agree the terms in which a judgment should be given or an order should be made. Unfortunately, the respondent did not make any reply to this application in spite of clear evidence by way of affidavit that he was served. That non reply does not make this application wanting for the respondent placed itself outside this application by his not
10 replying. This application thus proceeded ex parte and is examined on its own merit only.

From the onset, I must state that *slip rule* does not allow or permit a court to give an order which alters the judgment or orders made earlier. It is only for purposes of correcting clerical errors and giving effect to the judgment of the court.

15 The law in respect of slip rule is found in Section 99 of the Civil Procedure Act which provides that clerical or mathematical mistakes in judgments, decrees or orders, or errors arising in them from any accidental slip or omission may at any time be corrected by the court either of its own motion or on the application of any of the parties.

20 For clarity the provisions of Section 99 of the Civil Procedure Act is reproduced herein below. It provides as follows;

**Clerical or mathematical mistakes in judgments, decrees or orders or errors arising in them from any accidental slip or omission may at any time be corrected by the court either on its own motion or on the application of any
25 parties.**

In *Constitutional Application No.1 of 2016 John Sanyu Katuramu and 49 Others Versus Attorney General*), the Constitutional Court of Uganda while cited with approval the holding of Sir Charles Newbold, P. in *Lakhamshi Brothers Limited versus R. Raja & Sons [1966] EA 313* at page 314 paragraph E-F, in
30 regard to Slip Rule as follows: -

5 “... *there has been a multitude of decisions by this Court on what is known generally as the slip rule, in which the inherent jurisdiction of the court to recall a judgment in order to give effect to its manifest intention has been held to exist.*

10 *The circumstances, however, of the exercise of any such jurisdiction are very clearly circumscribed.*

15 *Broadly these circumstances are where the court is asked in the application subsequent to judgment to give effect to the intention of the Court when it gave its judgment or to give effect to what clearly would have been the intention of the court had the matter not inadvertently been omitted.”*

I would clearly agree with the same position for it is a true reflection of the intention of the provisions of Section 99 of the Civil Procedure Act.

20 In the instant matter, the applicant states that on page 10 paragraph 15 of the judgement of this court in Civil Appeal No. 0026 of 2021 this court erroneously indicates that the Respondent’s witness statement / evidence in chief was explained to him in Acholi and English. According to the applicant, this was clearly a clerical error for from the record of the lower trial court it is clearly stated that the Respondent witness statement / evidence in chief was explained to him in Ateso and English. That that change was clearly an error and or an unintended mistake on the record which ought to be corrected.

25 I have had the occasion to peruse both the record of the lower court in Civil Suit No. 007 of 2014 and that of this court in Civil Appeal No. 26 of 2021.

30 This court upheld the decision of the lower court by its decision in Civil Appeal No. 26 of 2021. The record of the lower court shows that the Respondent’s witness statement / evidence in chief was explained to him in Ateso and English.

5 At page 10 paragraph 15 of the judgement of this court in Civil Appeal No. 0026 of 2021 it is erroneously recorded that the Respondent witness statement / evidence in chief was explained to him in Acholi and English. This was an unintended error and an accidental slip in this court's judgment. This must be corrected to reflect the correct position of the intention of this court.

10 Consequently, I do order that the judgement of this court at page 10 paragraph 15 of the in Civil Appeal No. 0026 of 2021 ought to be adjusted to show the correct position which is;

"The Respondent witness statement/ evidence in chief was explained to him in Ateso and English"

15 The above being so, this application is found to have merit and is accordingly allowed with no order as to costs.

4. Order:

- This application is accordingly allowed.
- 20 - The judgement of this court at page 10 paragraph 15 in Civil Appeal No. 0026 of 2021 is ordered to be adjusted to read: "***The Respondent witness statement / evidence in chief was explained to him in Ateso and English***"
- No order as to costs.

I so order.

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Hon. Justice Dr Henry Peter Adonyo

Judge

21st March 2023