

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT FORT PORTAL**  
**MISC. APPLN NO. 048 OF 2022**  
**(ARISING FROM HCT – 01 – CV – CA 004 OF 2021)**

5           **(ARISING FROM FPT DIVORCE CAUSE NO. 07 OF 2018)**

**ABUBAKAR RAMATHAN ::::::::::::::::::::::::::::::: APPLICANT**

**VERSUS**

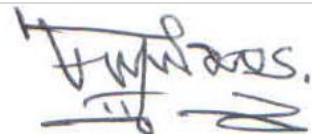
**AISHA BANURA ABUBAKAR :::::::::::::::::::::::::::::::RESPONDENT**

10           **BEFORE: HON. JUSTICE VINCENT WAGONA**

**RULING**

The applicant brought this application under Sections 14, 33, 38 and 39 of the Judicature Act, Section 98 of the Civil Procedure Act and Order 22 rule 23 and Order 43 rule 4 (3) and 50 rule 8 and 52 rules 1 and 2 of  
15 the Civil Procedure Rules for orders that:

1. The execution of the judgment and order against the Applicant in Divorce Cause No. 07 of 2018 against the Applicant be stayed pending appeal



2. That the costs of taking out the Application be provided to the Applicant.

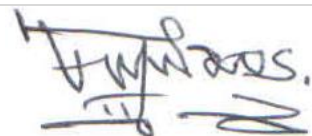
The Summons in this application were endorsed by the learned Assistant Registrar on the 31<sup>st</sup> May 2022 and the same were not served since all the copies are still on record. Court further gave directions to progress the application to wit:

1. The applicant was to file and serve the application together with the submissions by the 10<sup>th</sup> of October 2022.
2. The Respondent was to file and serve the affidavit in reply and written submissions if any by 24<sup>th</sup> October 2022.
3. A rejoinder if any was to be filed on 28<sup>th</sup> October 2022 and ruling was fixed for 10<sup>th</sup> November 2022.

On the 10<sup>th</sup> day of November 2022, none of the parties were present and their advocates were also absent. The matter was forwarded to me for further management.

It is trite law that orders of court are not issued in vein and parties must comply with the directions given by court. (*See Ekau David Vs. Dr. Ruth Aceng & 2 others, Civil Application No. 746 of 2018*).

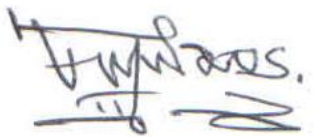
In this case the applicant did not comply with the schedule given specifically as concerns service of the summons/pleadings upon the Respondent.

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I will thus take the view that summons were not effected upon the Respondent within time as ordered by court.

In the premises, I dismiss this application under Order 5 rule 3 for non-service of Court Summons upon the Respondent with no orders as to  
5 costs.

I so order.

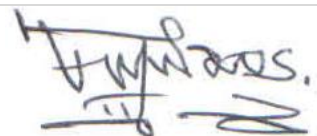
A handwritten signature in black ink, appearing to read 'Vincent Wagona', written over a horizontal line. The signature is stylized and includes a vertical line to its right.

Vincent Wagona

**High Court Judge**

10 **FORT-PORTAL**

**27.02.2023**

A handwritten signature in black ink, appearing to read 'Vincent Wagona', written over a horizontal line. The signature is stylized and includes a vertical line to its right.