

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT GULU

FAMILY CAUSE NO. 085/2013

IN THE MATTER OF AN APPLICATION FOR ADOPTION BY PAOLO MICHELE CORNA

ANDERU JACKLINE

AND

IN THE MATTER OF ANGELICA AGNESE CORNA (AN INFANT)

BEFORE HON. LADY JUSTICE MUTONYI MARGARET

RULING

This is a petition for adoption of a child Angelica Agnese Corna brought by Paolo Michele Corna and Anderu Jackline a couple under the provisions of Article 139(1) and (2) of the Constitution of the Republic of Uganda 1995, Section 14,33 and 39 of the judicature Act Cap and section 2, 3, 4,5, 6 and the first schedule of the Children Act Cap 59, S.98 of the Civil Procedure Act Cap. 71 and Order 52 (1) (2) of the Civil Procedure Rules S1 - 71-1

The Petition seeks for orders that (a) an order for adoption of the child Angelica Agnese Corna by the petitioner be made under the Children Act with all the necessary directions.

(b) That the cost of this petition be provided for as above mentioned or otherwise as the court may direct.

(c) Such further or other orders be made as the nature of the case may require. The petition is supported by the statutory declaration contained in the petition, Probation and Social Welfare officers Report.

The petitioners Paolo Michele Corna and Anderu Jackline currently c/o St. Mary's Hospital Lacor P.O. Box 180 Juba Road, Gulu are wife and husband.

Paolo Michele Corna is an Italian citizen holding passport No. C25195 issued by the Italian Government and Anderu Jackline is a Ugandan Citizen as per the birth certificate (copy) she attached on the petition as annexure B. The first petitioner first arrived in Uganda in 2007 and has lived in Gulu Municipality at Obiya West sub ward, for God Parish, Bardege Sub County.

He got married to the 2nd Petitioner on 2/5/2009. A copy of the marriage certificate is attached to the Petition.

The first Petitioner is 33 years of age while the second petitioner is 29 years. Both of them are not related to the child and have got a certificate of good conduct. They do not have a known criminal record.

The probation and Social Welfare Officer Gulu District has recommended them as suitable adoptive parents. They do not have any other person living with them except the child Angelica Angese Corna.

The infant the subject of this petition is a female child whose biological parents are unknown having been abandoned in a trench at Katale Zone Mulago II Parish,

Kawempe Division Kampala. She is now about two years old. The medical social worker department of Mulago hospital attest to the fact of abandonment.

She was abandoned when she was about 10 days and the case reported to Old Mulago police under SD2/18/2011. She was placed under a care order in the custody of the petitioner when she was two months old.

On 12/12/2011 and has lived with them since then. No other person has come up claiming the child or applied for her adoption.

The first applicant being an Italian citizen has obtained a letter from the Italian Ministry of Foreign Affairs that the Italian Government will respect the adoption order if granted.

They are not petitioning for adoption based on any promise of or receipt of any reward in consideration for the adoption of this child but because they have stored the child as their own since 2011. They have bonded so well with the child who is even learning to speak Italian language.

The petitioners are financially stable and capable of supporting the child with all the necessities of life for her development as a child up to the time she will become an adult. The financial statements were attached to the petition.

Both of them have consented to the adoption of the child they have raised from the age of two months and they undertake to pay the costs of the petitions.

Counsel for the petitioner submitted in support of the petition.

This court has to resolve two issues

1. Whether the adoption is in the best interest of the child.
2. Whether the petitioners are suitable persons for the adoption of the child.

Starting with the first issue, in matters concerning children, paramount consideration should be given to the welfare principle enshrined in section 3 and first schedule to the Children Act. The Petitioners fall short of the prerequisites for adoption by about any 3 months. They have fostered the child from 12/12/2011. They will make 36 months on 12/12/2014.

The welfare of the child has been well protected since they started living with her. Denial of this petition would evidently be contrary to the welfare principle.

Counsel Gloria Ochiba for the Applicant relied on the case of Milly Muhairwe the infant and Birgittee N. Markussen and Hans P. Phillipsen HCT- 00 FD-FC – 0100 – 2008 where the welfare principle was treated as paramount.

Given the fact that the child was abandoned and has no known parents, and the petitioners have taken care of her from the age of two months, the first issue is resolved in the affirmative. It is in the best interest of Angelica Agnese Corna that she be adopted.

On the second issue, there is nothing on record that would bar them from adopting the child. They are old enough, 21 years older than the child, the first petitioner has lived in Uganda since 2007, they are married and have the financial means to take care of the needs of the child.

They have exhibited agape here to this child from the age of two months.

There cannot be any other person best suitable to adopt this child.

The second issue is also resolved in the affirmative.

WHEREFORE this court doth order that

1. Angelica Angese Corna is hereby declared the adopted child of Paolo Michele Corna and Anderu Jackline and the relationship of parent and child is hereby established with all rights and privileges incident thereto including the right of inheritance.
2. The Registrar General of Births and Deaths is hereby directed to make an entry recording this adoption in the Adopted Children Register and to issue certificate to Paolo Michele Corna and Anderu Jackline reflecting the parental relationship established herein.
3. It is further directed that this adoption order be furnished to the consular Department in the Ministry of Foreign Affairs at Kampala.
4. The petitioners to provide for the costs of this petition

.....

MUTONYI MARGARET

JUDGE

26/09/2014

Ruling delivered in the presence of the petitioner and Anna the court clerk.

.....

MUTONYI MARGARET

JUDGE

26/09/2014

**THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA
HCT-02-CV- MA - 0085 - 2013
IN THE MATTER OF AN APPLICATION FOR ADOPTION BY
PAOLO MICHELE CORNA AND ANDERU JACKLINE
AND
IN THE MATTER OF ANGELICA AGNESE CORNA (AN INFANT)**

O R D E R

This matter coming up this **26th** day of September, 2014 for final determination before Hon. **Lady Justice Margaret Mutonyi**, in the presence of both petitioners and in the absence of their Counsel.

IT IS HEREBY ORDERED that;

1. Angelica Agnese Corna is hereby declared the adopted child of Paolo Michele Corna and Anderu Jackline and the relationship of parent and child is hereby established with all rights and privileges incident thereto including the right of inheritance.
2. The Registrar General of Births and Death is hereby directed to make an entry recording this adoption in the Adopted Children Register and issue certificate to Paolo Michele Corna and Anderu Jackline reflecting the parental relationship established herein.
3. It is further directed that this Adoption order be furnished to the consular Department in the Ministry of Foreign Affairs at Kampala.
4. The petitioners to provide for the costs of this petition.

GIVEN under my hand and the seal of this court this 26th day of September 2014.

.....
**MUTONYI MARGARET
JUDGE**

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT GULU

HCT-02- CV - CS - 0044 - 2013

NYEKO KENNETH :::PLAINTIFF

VERSUS

UGANDA BROAD CASTING COOPERATION
CO. LTD AND ANOTHER:::DEFENDANTS

ORDER

This matter coming up this **26th** day of **September, 2014** for final determination before **Hon. Lady Justice Margaret Mutonyi**, in the presence of Counsel for the plaintiff and in the absence of the plaintiff and in the further absence of defendants.

IT IS HEREBY ORDERED that;

1. Uganda Broad casting Corporation pays 35.000, 000/= (thirty five million to cater for general and exemplary damages.
2. Order is hereby made for public apology using the same means that is news broad cast during prime news for a week by the 1st defendant to the plaintiff and general public.
3. Costs of the suit.

GIVEN under my hand and the seal of this honourable court this 26th day of September, 2014

.....
**MUTONYI MARGARET
JUDGE**

Drawn and Extracted by
Abore, Adonga & Ogen Co. Advocates
Plot 9/11 Coronation
Gulu