

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA
FAMILY DIVISION

DIVORCE CAUSE NO.96 OF 2016

VERONICA NAMUTEBI SSENABULYA ::::::::::::::: PETITIONER

VERSUS

FRANK SSENABULYA ::::::::::::::: RESPONDENT

Before: Justice Ketrah Kitariisibwa Katunguka.

Judgment

Introduction

1. Veronica Namutebi Ssenabulya (herein called **‘the petitioner’**) sued Frank Ssenabulya (herein called **‘the respondent’**); for divorce; a ruling was delivered on the 28th day of September 2018; and a decree nisi was issued dissolving the marriage between them; the issues of property, custody and maintenance of the children remained hence this judgment;

The case:

2. The petitioner and respondent have two children - Melissa Nakintu (now aged 17 years) and Tyra Luyiga (now aged 14 years); the petitioner prays for sole custody of the children and for the respondent to provide maintenance of the children; on the other hand, the respondent by cross petition prays for joint custody and joint maintenance of the children and for compensation for raising and looking after Louis F. Ssenabulya for a period of 2 and half years from 2012 when he was born until 23rd of December 2014; who all along was passed off as his child whereas not, him having been born out of an adulterous relationship between the petitioner and a one James Muwawu; the said child was born in 2012 during the subsistence of marriage;
3. According to paragraph 6 of the Petition, the property in issue is land comprised in block 185 plots 3782 and 3783 located at Kiira; Paragraph 9 of the cross petition refers to the property in issue which is the said Block 185 plots 3782 and 3783; when the parties filed witness statements they brought up land in Kyadondo Block 185 plot 5632 and plot 5633 at Namugongo; five rental units in Kawempe; a wholesale business dealing in garments at Mukwano arcade, Nakivubo- Kampala; land comprised in Kyadondo block 185 plots 3806 and 3807 at Namugongo;
4. The pleadings were never amended to include the said additional properties; evidence is presented to prove facts as per filed pleadings; if parties to a suit wish to include facts outside those hitherto pleaded they must seek leave to amend their pleadings, for the duty of court is to determine issues arising from pleadings and not



all issues that may be related to pleadings. Order 6 rule 6 of the Civil Procedure Rules provides: *'The defendant or plaintiff, as the case may be, shall raise by his or her pleading all matters which show the action or counterclaim not to be maintainable, or that the transaction is either void or voidable in point of law, and all such grounds of defence or reply, as the case may be, as if not raised would be likely to take the opposite party by surprise, or would raise issues of fact not arising out of the preceding pleadings, as, for instance, fraud, limitation act, release, payment, performance, or facts, showing illegality either by statute or common law'*; Consequently Order 6 rule 7 provides; *'No pleading shall, not being a petition or application, except by way of amendment, raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading that pleading'*

5. The said position of the law that parties are bound by their pleadings has been considered by courts in a number of cases. In **Jani Properties Ltd versus Dar-es-Salaam City Council (1966) EA 281**; and **Struggle Ltd versus Pan African Insurance Co. Ltd (1990) ALR 46 -47**, court rightly observed that; *"the parties in Civil matters are bound by what they say in their pleadings which have the potential of forming the record moreover, the Court itself is also bound by what the parties have stated in their pleadings as to the facts relied on by them. No party can be allowed to depart from its pleadings"* (see also **Semalulu versus Nakitto High Court Civil Appeal No. 4 of 2008)**" and **Kitaka and 12 Others v Mohamood Thobani (Civil Appeal 20 of 2021) [2021] UGHCLD 177 (23 November 2021)**); where the above cases were cited;

Representation:

6. The petitioner is represented by counsel Hasfa Nanteza of M/s TEM Advocates and Solicitors; while the respondent is represented by counsel Yovino Okwir of M/s Mugarura, Kwarisiima & Co. Advocates. Both counsel filed written submissions which I have considered.

7. Issues for court's determination:

During scheduling, the agreed issues for court's determination were as bellow.

1. Whether there are matrimonial properties; and who owns that property?

2. Whether the cross petitioner/ respondent is entitled to compensation by the petitioner for maintaining and raising a child or issue who was not his own

3. Whether custody of the children should be shared between the parties

4. Whether the cross petitioner/respondent should contribute towards the maintenance of the two children?

5. What remedies are available to the parties?

Determination

Issue No.1: *Whether there are matrimonial properties; and who owns that property?*

I have stated above that the suit property is land comprised in block 185 plots 3782 and 3783 at Kira Namugongo so court shall consider the facts and evidence concerning that property alone;

8. The petitioner in her witness statement contends that together with the respondent they purchased the above land; and are jointly registered as co- owners on the certificates of title; notwithstanding, the petitioner avers that on 25/8/2012, she acquired a loan of UGX 50,000,000/= (Uganda shillings fifty million); on 2/7.2013, she applied for a loan of UGX 100,000,000/ (one hundred million shillings) with consent and approval of the respondent as a surety who endorsed the mortgage deed; that the loan money was utilized to build the matrimonial home; that she contributed 70% of the expenses in the construction of the property; specifically, under paragraph 8.9 of the witness statement, she therefore prays for the partition of the said property equally by ordering a sale of the same to cater for the parties' joint interests.
9. During cross examination, the petitioner also stated that she acquired a loan of UGX 15,000,000/= in 2006, another loan of UGX 5,000,000/= in 2007 and a 3rd loan of UGX 15,000,000/= in 2010 and used the money to construct the home. The respondent/cross petitioner in his cross petition prayed that the petitioner's name be removed from the land titles of Block 185 plots 3782 and 3783; since she never contributed to the acquisition and development; that the petitioner be ordered to clear her mortgage obligations on the land titles and make them free from encumbrances; however in his witness statement admitted as his evidence in chief; he states at paragraph 6 that the property was jointly acquired and both parties are jointly registered as proprietors of Block 185 plots 3782 and 3783; he denies having claimed sole ownership to the properties; he refers to the home on the plots as their matrimonial home; he wishes that the home is not sold but rather be preserved for the benefit of the children; that the certificates of title be transferred into the names of the children;
10. That the matrimonial home was built between 2007 – 2008 with the parties' money and only supplemented with a loan facility of one hundred million Ugandan shillings acquired in 2007; during cross examination, he testified that he contributed 70% of the money for the construction of the home as the petitioner was interdicted between 2007-2008; the loan obtained by the petitioner of UGX 100,000,000/= in 2013 was utilized to start up a business as she was by then interdicted for the second time; that they moved into the home in 2008; where a house party was held and attended by his father (now deceased); a photo of the relatives including the respondent's late father was admitted in evidence as 'R2'; a copy of a death medical certificate from Mulago hospital was admitted in evidence and marked 'R3'; that therefore by implication the home was built before 2010.
11. Counsel for the petitioner submits that the parties got registered on the two plots in 2006; and as per the certificates of marriage, they got married on 10/11/2007; that the land was acquired before the marriage; counsel submits that the contention is



in respect of each party's contribution towards the construction of the matrimonial home; and how much each party is entitled to in the said matrimonial property; basing on the encumbrance pages of the certificates of title, which indicate that one mortgage was registered on 29/11/2006 and another on 6/11/2007 on both titles; counsel maintains that the petitioner contributed 70% to the construction of the matrimonial home through acquisition of mortgages;

12. The counsel for the respondent submits that; the parties agreed that the Kyadondo Block 185 plots 3782 and 3783 be the matrimonial home; citing the case of *Uganda Association of Women Lawyers & Others V. Attorney General, Constitutional Petition No.2/2013* and section 26 of the Divorce Act, counsel prays that court distributes the matrimonial property in ratio of 70% for the respondent and 30% for the petitioner; that in the alternative, the portion of the petitioner in the property be settled for the benefit of the children of the marriage.

The law.

13. **Article 31 (1)(b)** of the 1995 Constitution of the Republic of Uganda provides; "Men and women of the age of eighteen years and above, have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution. "In *Muwanga versus Kintu High Court Divorce Appeal No. 135 of 1997, (Unreported)*, Bbosa J and I quote: 'The property to which each spouse should be entitled is that property which the parties chose to call home and which they jointly contributed to';
14. In *Rwabinumi Vs. Bahimbisomwe Supreme Court of Uganda Civil Appeal No. 10 of 2009* the Supreme Court acknowledged that contribution may be direct where the contribution is by spending money towards acquisition or construction or indirect when a spouse offers domestic services; the court moved away from financial capacity as the only way of determining ability to contribute.(see also *Kivuitu versus Kivuitu, [1990 – 19994] E.A. 270*); the principle of contribution by each spouse and how indirect contribution can be financially equated based on the market rates for such services, was recently considered by the Court of Appeal in *Ambayo Joseph Waigo vs Aserua Jackline CACA No. 0100 of 2015*;
15. **Section 101 of the Evidence Act** provides that whoever desires court to make a judgment in his favour must prove the fact which he claims. (see also *Ayiko v Lekuru (Divorce Cause-2015/1)* where court stated and I quote: "It was for the Appellant to prove on a balance of probabilities that she directly or indirectly contributed towards acquisition of the properties in respect of which she claimed to be entitled to a share without losing sight of the fact that in regard to indirect contribution, the same was invariably to be considered in its own special circumstances".
16. In essence the right to own property envisaged by Article 26 of the constitution is not diminished by marriage; a person who owns property does not lose it on account of marriage and likewise a person who does not own property should not automatically acquire it the day he or she gets married. There must be proof of contribution (see *Uganda High Court Divorce Appeal No.135 of 1998 Tom Kintu*



Muwanga vs Myllious Gafabusa Kintu citing Kivuitu Vs. Kivuitu [1990-1994] E.A. 270).

17. I have considered the pleadings and the evidence presented. Both certificates of titles in respect to Kyadondo Block 185 plots 3782 and 3783; are registered in the names of the petitioner and the respondent jointly; the parties, interest in plot 3782 was registered on 27/9/2006; and in plot 3783 registered on 27/4/2006;
18. ***Section 59 Registration of Titles Act*** possession of a certificate of title by a registered person is conclusive evidence of ownership of the land described therein. (see: **Abdu Karim Vs Kabarebe H.C.C.A No. 373 of 1991**).
19. The marriage between the petitioner and respondent was solemnized on 10/11/2007; the two plots were acquired before marriage. Lord Upjohn in ***Pettitt v. Pettitt, [1969] 2 WLR 966, [1970] AC 777*** stated; “*Where both spouses contribute to the acquisition of a property, then my own view (of course in the absence of evidence) is that they intended to be joint beneficial owners and this is so whether the purchase be in the joint names or in the name of one. This is the result of an application of the presumption of resulting trust. Even if the property be put in the sole name of the wife, I would not myself treat that as a circumstance of evidence enabling the wife to claim an advancement to her, for it is against all the probabilities of the case unless the husband's contribution is very small. Whether the spouses contributing to the purchase should be considered to be equal owners or in some other proportions must depend on the circumstances of each case.*”;
20. In this case the property was acquired by persons who later became a couple; I would find that since they later resided there it became their matrimonial home irrespective of how it was acquired; however even if they were not married the fact that the property was registered in their joint names entitles each to 50%; According to their evidence each party equally contributed to the purchase of these plots of land; hence land comprised in block 185 plots 3782 and 3783 at Kira Namugongo measuring 0.048 hectares each is held jointly by the petitioner and the respondent; and in absence of proof that the joint ownership was based on different amounts of contribution I hold that each party is entitled to 50% of the property comprised in block 185 plots 3782 and 3783 at Kira Namugongo measuring 0.048 hectares;

The matrimonial home.

21. The matrimonial home was built on the two plots of land; both parties refer to the house constructed on the land as ‘our matrimonial home’; the home is said to have been constructed around 2008 before the respondent’s father passed on; during cross examination, the petitioner admitted that indeed the respondent’s father who was at the house warming party died in 2010.
22. The petitioner testified that she obtained loans in 2006, 2007 and 2010; to construct the matrimonial home; in her witness statement she avers that in 2012 and 2013 she acquired loans amounting to a total sum of UGX150,000,000/= (one hundred fifty million Uganda shillings) and used the money to construct the home; during cross examination, she admitted that she was interdicted from her job in 2007



and 2008; however, that she collected money from the house rentals of her late mother and did legal transactions to contribute towards the building of the home; and claims to have contributed 70% as expenses incurred towards the construction of the home.

23. In his witness statement the respondent states that the matrimonial home was constructed between 2007-2008 using both parties' money and resources; under paragraph 10 of his witness statement that a loan of Ug. shs. 100,000,000/= was obtained in 2007 as a supplement to construct the matrimonial home; he alleges that he contributed 70% during the construction of the home as the petitioner was on interdiction at her work place with no pay between 2007 and 2008.
24. Save for the entries of mortgages on the incumbrance page of the certificates of title; I find that neither party has presented evidence of the claimed mortgage deed or loan transactions of 2006 or 2007 and 2010; as proof of who exactly acquired the loans and; who made payments towards the settlement of the loan money in order to determine each party's contribution to the home; it has not been proved that the money got through the said loans was used for the construction of the home; the adduced mortgage deeds by the petitioner are dated 25/8/2012 (PExh 5) and 2/7/2013 (Pexh 6); the dates of the mortgage deeds are way after the home was constructed; other than that, there is no evidence as to whether the acquired loans of 2012 and 2013 were utilized to construct the home. This is so, because the mere fact the petitioner had access to loan facilities, does not necessarily mean that the said facilities were spent towards the development of the properties in question which in any case was built and entered by 2010.
25. In **A W N vs. F M N [2018] eKLR** court stated that: *"...the Court cannot infer what is not tendered in evidence. As a general rule, a Court of Law will not rely on conjecture or assumptions. Neither can it be left to the Court to speculate on what contribution the Plaintiff could have made. Direct evidence must be tendered in support of such contribution. It is the duty of a claimant to lay cogent evidence before Court"*;
26. RW2 Bamutalira Pascazia testified that the couple started constructing together but after some time the petitioner lost her job so it was the respondent who was constructing alone; The petitioner did not deny that in 2007 -2008 she was on interdiction; and also in 2013; the letters showing lifting the interdiction of 2011 Rexb 5 and 6 have been considered; there is no evidence on when the 1st interdiction was lifted but the 2nd one was lifted in 2014; the respondent claims to have been working in Ministry of Finance at the time which was not refuted; both parties want a ratio of 70% to 30% entitlement respectively; the petitioner claims to have been working as a lawyer and earning money but no proof was presented; however although the interdiction showing that the petitioner could not have been financially contributing does not mean that she was not carrying out her role as a wife and mother although this was not pleaded and so was it proved; I am unable to put her contribution at 70%;
27. For the respondent although he was working and financially able he did not lead any evidence to show that construction of the home during the time the petitioner was on interdiction only continued without the latter's contribution in any form;



according to the evidence the construction took 4 years 2 of which the petitioner was on interdiction; but no evidence was adduced that she was not acting her role as a wife and mother; I would hold that the fact that the matrimonial home comprised in block 185 plots 3782 and 3783 at Kira Namugongo having been built on a piece of land jointly owned in equal shares; and where the construction was commenced jointly save for the two years where the petitioner was not financially contributing; it is in the interest of justice that her none financial contributions be considered; I would find that each is entitled to 50% of the matrimonial home.

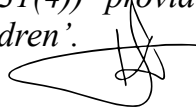
28. In the premises, since the petitioners jointly own the land at Kyadondo Block 185 Plot 3782 and plot 3783 land at Namugongo in equal proportions; in absence of proof that the petitioner could not have contributed indirectly during the time she was on interdiction, in the interest of justice I would find that they both equally contributed towards the construction of the matrimonial home;

Issue No.2: *Whether the cross petitioner/ respondent is entitled to compensation by the petitioner for maintaining and raising a child or issue who was not his own?*

29. It is the respondent's case in his cross petition that during the subsistence of marriage, the petitioner/cross respondent committed adultery with a one Muwawu James and on 24/7/2012 birthed a child namely, Louis F. Ssenabulya; both the immunization card and Baptism card admitted in evidence and marked as 'R.10' and 'R.11' respectively reflect the names of the father as Frank Ssenabulya who is the respondent in this case; the respondent avers that he always performed fatherly duties towards the child including providing for the child's feeding, medical care, shelter and clothing from 2012 when the child was born until 23/12/2014 when the petitioner left the matrimonial home; that he covered the medical bill of Ug. Shs. 3,000,000/= for a C-Section when the said child was born from Mengo Hospital; the respondent baptised the child from his mother's home in Masaka; he raised the child with fatherly love thinking that the child is his; therefore, he was heartbroken and psychologically tortured to find out through a DNA test that the child was not his; therefore, he seeks compensation from the petitioner;
30. On cross examination, the petitioner admitted that the said James Muwawu is the father of the aforementioned child; and that the child was born when the petitioner was still married to the respondent; nevertheless, she denies and insists that the respondent has ever provided for the child.

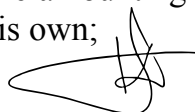
Analysis

31. The role of parents to bring up their children and the rights of children to be brought up by their parents is provided for under Article 34(1) of the Constitution of Uganda; to wit: *"Subject to laws enacted in their best interests, children shall have the right to know and be cared for by their parents or those entitled by law to bring them up"*; article 31(4)) provides: *'it is the right and duty of parents to care for and bring up their children'*.



And; 31(5) 'Children may not be separated from their families or the persons entitled to bring them up against the will of their families or of those persons, except in accordance with the law'.

32. While generally there is expectation that someone in a parental role should take care of the child regardless of parentage or knowledge of parentage; it is not a rule and even then one should chose whether to do it or not. The duty to bring up one's children should not be abused by someone who wants to take advantage because there are cost implications both financially and emotionally; in my considered opinion a child born out of an adulterous relationship is entitled to be brought up by its natural parents and his/her rights should never be sacrificed on the alter of the perpetrator's pride and shame; the innocent spouse against whom such lie and fraud is committed should never be subjected to costs that ordinarily would not belong to him; such costs are not just financial but emotional as well including the embarrassment caused; the claim for reimbursement of child support is justified when misattributed or fraud paternity is discovered; the ethical justification for such claims is related to the financial cost of bringing up the child,
33. While the respondent did not produce any evidence as proof of his financial support towards the child; the needs of a child are known; section 5(1) of the Children Act cap 59 provides; that *it shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in particular, that duty gives a child the right to education and guidance, immunisation, adequate diet, clothing, shelter and medical attention., section 5(2 provides that any person having custody of a child shall protect the child from discrimination, violence, abuse and neglect'*.
34. The child was being looked after by the respondent/cross petitioner providing shelter, clothing, immunisation, food, medical attention and protection all presumably as a father; the respondent did not provide proof of how much he spent for the 27 months he was looking after the child; in addition to the UGX 3,000,000/=paid at the birth of the child; According to the Child cost index module developed by Mr. Francis Tucungwirwe Rwamutega of the Development Research Centre, Makerere as reported in The New Vision Newspaper of 10/7/2009(www.newvision.co.ug); one needed one needed UGX 140,000/ to provide for a two year old; that was in 2009; the child subject of this issue was born on 24/7/2012; assuming that the difference between the cost of providing for a baby from birth to 27 months is along the same lines; and also assuming that the cost was equally shared with the petitioner/cross respondent the respondent cross petitioner is awarded 1,890,000/= for the 27 months he was looking after the child as if it was his; on top of the UGX 3,000,000 he paid for the C-section. then the respondent spent UGX 4,890,000/= on the child;
35. The emotional cost/damages were considered in Rodwell V. Rodwell (2011); where Mr. Rodwell who had been paying maintenance for over four years for children not his was awarded general damages for distress equivalent to bereavement; in the premises; I find that the respondent in this case is entitled to general damages for psychological and emotional torture amounting to UGX 5,000,000/= for raising Louis F. Ssenabulya a child who is not his own;



Issue 3. *Whether custody of the children should be shared between the parties?*

36. The petitioner and the respondent have two children to wit; Mellisa Nakintu now 17 years and Tyra Luyiga now aged 14 years; the petitioner prays for sole custody of the two children; the respondent prays for joint custody; the respondent prays that both parents share the children during school holiday times;
37. All decisions to do with children are informed and guided by the welfare of the child at the end of the day;(see **Article 3 (1)** Convention on the Rights of the Child (CRC), **Article 34** of the Constitution of the Republic of Uganda, **Article 3(1)** of the United Nations Convention on the Rights of the child (which Uganda ratified in 1990); and **Article 4(1)** of the African Charter on the Rights and the Welfare of the Child); The welfare principle has been fortified by courts; (see Mark Siduda Trevor (an infant) Family Cause No. 213 of 2014, **In the matter of Deborah Joyce Alitubeera (Civil Appeal No. 70 of 2011) [2012] UGCA 4**); and a host of other decisions).According to Bromley's Family Law, 8th Edition, at page 336, "...the children's welfare is the court's sole concern, and other factors are relevant only to the extent that they can assist the court in ascertaining the best solution for the child....";
38. Even when the law gives parents the right to look after their children if custody to one parent may jeopardize the welfare of the child in question court has to consider the welfare of the child first; **section 4(1) of the Children Act (as amended)** provides that it is the right of every child to stay with their parents or guardians. The right of both parents to custody and care of their child(ren) is derived from the rights of the family under article 31 of the Constitution, to wit: **Article 31 (1)**: '*Men and women of the age of eighteen years and above have the right to marry and to found a family and are entitled to equal rights in marriage, during marriage and at its dissolution....*' (emphasis supplied); courts have annunciated the position (see: the case of **Rwabuhemba Tim Musinguzi vs. Harriet Kamakune (Civil Application No.142 of 2009) [2009] UGCA 34**);
39. The petitioner testified that when she gave the children to the respondent he instead left them with neighbours who called her to pick her children then she started taking them to the respondent's mother in Masaka after 2020 1st lockdown; the respondent refused to pay school fees; she stopped taking the children to their paternal grandmother because of covid; Bamutalira Pascazia the respondent's mother RW2 testified that they wanted the children but the petitioner refused to give them to her; the respondent did not refute the allegation that he failed to look after the children; and that he has not contributed towards their maintenance since 2016;
40. I have considered the evidence; even if the petitioner has been staying with the children since 2016; I find that the best interests of the children would be served if both parents remain in their lives; the children are entitled to benefit from the relationship with their father even if the parents are divorced; to ensure stability, the physical custody of the children is granted to the petitioner; but joint legal custody is granted to both parents; the respondent shall be entitled to stay with the children for two weeks during school holidays with prior notice to the petitioner; considering the



ages of the children their opinions shall always be taken into consideration pursuant to section 4(b) of the Children Amendment Act 2016.

Issue No.4: Whether the cross petitioner/respondent should contribute towards the maintenance of the two children?

41. **Article 257(1)(c)** of the Constitution of the Republic of Uganda and **Section 2** of the Children Act. Cap.59; define a child as a person below the age of 18 years. **Article 34 (1) already cited above**, is to the effect that; children shall have the right to know and be cared for by their parents or those entitled by law to bring them up. **Section 5 and 6 of the Children Act** also cited above, provides that it shall be the duty of a parent, guardian or any person having custody of a child to maintain that child and, in particular, that duty gives a child the right to— (a) education and guidance; (b) immunisation; (c) adequate diet; (d) clothing; (e) shelter; and (f) medical attention.
42. No matter where the child is, he or she is entitled to provision by the parent because provision is not only financial but it also produces a sense of belonging and identity which is a child's right; none of the parties claimed to be financially unable to look after the children; both parties have a source of income; and should contribute towards the maintenance of their children; however I have taken into consideration the fact that the respondent/cross petitioner admitted that he has not contributed since 2016; he shall contribute 70% while the petitioner shall contribute 30% towards the maintenance of the children including among others; education, feeding, clothing, medical care, and shelter.

Remedies

43. The petitioner would like the suit property sold and the proceeds shared, while the respondent would like the property maintained and registered into the names of the children; Article 26 (1) of the Constitution of Uganda provides that every person has a right to own property either individually or in association with others; court can not decide for an owner of property on how he or she should deal with it; it is up to the parties to decide what they wish to do with their respective shares to the property; since the parties are divorced let them sell the property and share the proceeds equally.

Costs:

44. It is trite law that costs follow the event and the successful party is entitled to costs. Section 27 of the Civil Procedure Act states; "provided that costs of any action, cause or other matter shall follow the event unless the court or the judge shall for good reason otherwise order." Considering the outcome of the case and the fact that both parties have the responsibility to look after the children and maintain a conducive environment around them, each party shall meet their own costs.

Both the petition and cross petition majorly succeed in equal measure. I hereby make the following orders;

1. The parties are entitled to equal share of the property comprised in Kyadondo Block 185 Plot 3782 and plot 3783 land at Namugongo;

2. Property comprised in Kyadondo Block 185 Plot 3782 and plot 3783 land at Namugongo (matrimonial home); shall be sold and the proceeds shared for the equally between the parties
3. The petitioner shall pay the respondent compensation to the tune of UGX4,890,000/= and general damages for psychological torture and emotional loss amounting to UGX5,000,000/= for raising Louis F. Ssenabulya a child who was not his own.
4. The physical custody of the children is granted to the petitioner while joint legal custody is granted to both parents;
5. The respondent shall be entitled to have custody of the children for two weeks during school holidays with notice to the petitioner; but the views of the children shall always be considered.
6. The petitioner/cross respondent shall contribute 30% while the respondent/cross petitioner shall contribute 70% towards the maintenance of the children.
7. Each party shall pay their own costs.



Ketrah Kitariisibwa Katunguka

Judge

13/02/2023

Delivered by email to: nantezahasfah@gmail.com, yovino.okwir@gmail.com

The dissatisfied party may appeal to the Court of Appeal of Uganda within 14 days from this judgment.