

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA; AT FORT PORTAL
CIVIL REVISION No. 003 OF 2008
(From the ruling of Godfrey Bindeba Mag. Grade II, in FPT-CV-FCC-0034 of 2007)

KUSEMERERWA GEORGE FRANCIS APPLICANT
VERSUS

YOZEFU BAGUMA..... RESPONDENT

BEFORE: - THE HON. MR. JUSTICE ALFONSE CHIGAMOY OWINY – DOLLO

RULING

The Respondent herein had filed a complaint on oath in the Children and Family Court of Fort Portal; seeking to be authorized to sell off a portion of land which he claimed to be family land but which he claimed the Applicant herein was disabling him from selling. The Magistrate Grade II of the Court heard and determined the matter in favour of the Applicant (Respondent herein). The matter was brought to the attention of this Court for revisionary orders. Both counsels for the Applicant and Respondent addressed Court; and Mr. Musana for the Respondent proposed that the matter be disposed of by consent and it be placed before another Magistrate for retrial.

It is quite evident that the Family and Children Court handled what it had no jurisdiction over, as this was a land dispute. This went beyond the issue of child care and protection which are the civil matters the Court is permitted to handle. The complainant ought to have brought this dispute before the L.C. Court, Magistrate’s Court, or High Court depending on the value or nature of the land in issue. The Children and Family Court was therefore not seized with jurisdiction; hence I set aside the order of that Court, and the parties are advised to proceed before a Court seized with jurisdiction in the matter. I however decline to award costs as the parties are one family; and are all lay persons who, without legal counsel, ought to have been guided by Court. Each party shall bear his costs here and in the Court below.

Alfonse Chigamoy Owiny – Dollo

JUDGE

18 – 06 – 2012