

THE REPUBLIC OF UGANDA IN THE HIGH COURT OF

UGANDA AT KABALE

***MISC. CIVIL APPLICATION NO. 15 OF 2012 (FROM CHIEF
MAGISTRATE CIVIL SUITS NO. 270 AND 271 OF 2011)***

**1. DEBORAH KABOROGA
2. ALLEN TIBESIGWA:..... APPELLANTS/APPLICANTS**

VERSUS

PAHURINA F:.....RESPONDENT/DEFENDANT

BEFORE HON.MR. JUSTICE J.W. KWESIGA

REVISION ORDER

This Revision order is made pursuant to the Applicants oral presentation before the Judge on official visit to Ndorwa prison.

The grounds of the application are that;

- (a)The Applicants were never served with summons requiring them to seek leave to defend the suits.

- (b) That the plaintiffs case brought by summary suit did not take into account sums that were held in credit to the applicants.

Following the complainant made by these two women one of whom was imprison with a very young baby, I have perused the above original court files and the affidavits of services Zaribugire James which are questionable. The applicants are seeking the right to be heard and they have raised **prima facie** triable issues in the suit of set-off as a defence. Courts must as much as possible allow access to justice by all who ask for it without undue emphasis on the technicalities. Given the doubt created by their presentation it is important that both parties be given the chance to present their respective cases and a decision be made based on evidence adduced.

In view of the above I make the following orders:-

1. The Judgments, decrees and execution orders made in Civil Suits 270 of 2011 and 271 of 2011 against **Debora Kaboroga** and **Allen Tibesigwa** are hereby set aside.
2. The Defendants are grant leave to file their defence in the two suits within 14 days from the date of this order.

3. **DEBORA KABOROGA** and **ALLEN TIBESIGWA** shall, immediately be set free from Ndorwa Prison where they are held as Civil Prisoners. O/C Prison is so ordered.

Dated at Kabale this **8th** day of **May, 2012**.



J.W. KWESIGA

JUDGE

C.C Officer in Charge ,
NDorwa Prison.
Kabale.