

UGANDA / JUDGMENT

In Re: Harry John Shilling (An infant) (Adoption Cause No. 15 of 1991) [1991] UGHC 6 (23 December 1991) [1991] UGHC 6

COURT

High Court of Uganda

CASE / FILE NUMBER

Adoption Cause No. 15 of 1991

Source: ulii.org · Research copy typeset by Esheria. Not court-issued or certified.

{\rtf1\ansi\ansicpg1252\uc1\deff0\stshfdbch0\stshfloch0\stshfhich0\stshfbi0\deflang1033\deflangfe1033{\fonttbl{\f0\froman\fcharset0\prq2{*}\panose 02020603050405020304}Times New Roman;}\f200\froman\fcharset238\prq2 Times New Roman CE;}

{\f201\froman\fcharset204\prq2 Times New Roman Cyr;}\f203\froman\fcharset161\prq2 Times New Roman Greek;}\f204\froman\fcharset162\prq2 Times New Roman Tur;}\f205\froman\fcharset177\prq2 Times New Roman (Hebrew);}

{\f206\froman\fcharset178\prq2 Times New Roman (Arabic);}\f207\froman\fcharset186\prq2 Times New Roman Baltic;}\f208\froman\fcharset163\prq2 Times New Roman (Vietnamese);}\colorctl;\red0\green0\blue0;\red0\green0\blue255;\red0\green255\blue255;

\red0\green255\blue0;\red255\green0\blue255;\red255\green0\blue0;\red255\green255\blue0;\red255\green255\blue255;\red0\green0\blue128;\red0\green128\blue128;\red0\green128\blue0;\red128\green0\blue128;\red128\green0\blue0;\red128\green128\blue0;

\red128\green128\blue128;\red192\green192\blue192;}\stylesheet{\ql\li0\ri0\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \snext0 \styrsid9663784 Normal;}{*\cs10 \additive

\ssemihidden Default Paragraph Font;}\{*ts11\tsrowd\trftsWidthB3\trpaddl108\trpaddr108\trpaddfl3\trpaddft3\trpaddfb3\trpaddfr3\trcbpat1\trcfpat1\tsellwidthfts0\tsvertalt\tsbrdrt\tsbrdrl\tsbrdrb\tsbrdrr\tsbrdrdgl\tsbrdrdgr\tsbrdrh\tsbrdrv

\ql \li0\ri0\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\fs20\lang1024\langfe1024\cgrid\langnp1024\langfenp1024 \snext11 \ssemihidden Normal Table;}

\s15\ql \li0\ri0\sb100\sa100\sbauto1\saauto1\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033 \sbasedon0 \snext15 \styrsid9663784 Normal (Web);}

{*\latentstyles\lsdstimax156\lsdlockeddef0}{*\rsidtbl \rsid1189932\rsid2629063\rsid9663784}
{*\generator Microsoft Word 11.0.5604;}{\info{\title THE REPUBLIC OF UGANDA }{\author DELL}
{\operator DELL}{\creatim\yr2009\mo11\dy9\hr10\min59}

{\revtim\yr2009\mo11\dy9\hr10\min59}{\version2}{\edmins0}{\nofpages2}{\nofwords441}
{\nofchars2515}{\nofcharsws2951}{\vern24689}}\widowctrl\ftnbj\aeenddoc\noxlattoyen\expshtrn\noutrlspace\dntblnsbdb\nospaceforul\formshade\horzdoc\dgmargin\dghspace180

\dgvspace180\dghorigin1800\dgvorigin1440\dghshow1\dgvshow1

\jexpand\viewkind1\viewscale100\pgbrdrhead\pgbrdrfoot\splytwnine\ftnlytwnine\htmautsp\nolnhtadjtbl\useltbaln\alntblind\lytcalctblwd\lyttbltrgr\lnbrkrule\nobrkwrtbl\snaptogridincell\allowfieldndsel\wrppunct

\asianbrkrule\rsidroot9663784\newtblstyruls\nogrowautofit \fet0\sectd
\linex0\endnhere\sectlinegrid360\sectdefaultcl\sftnbj
{*\pnseclvl1\pnucrm\pnstart1\pnindent720\pnhang {\pntxta .}}
{*\pnseclvl2\pnucltr\pnstart1\pnindent720\pnhang {\pntxta .}}

{*\pnseclvl3\pndec\pnstart1\pnindent720\pnhang {\pntxta .}}
{*\pnseclvl4\pnlcltr\pnstart1\pnindent720\pnhang {\pntxta)}}
{*\pnseclvl5\pndec\pnstart1\pnindent720\pnhang {\pntxtb ({\pntxta)}}
{*\pnseclvl6\pnlcltr\pnstart1\pnindent720\pnhang {\pntxtb ({

{\pntxta)}}{*\pnseclvl7\pnlcrm\pnstart1\pnindent720\pnhang {\pntxtb ({\pntxta)}}
{*\pnseclvl8\pnlcltr\pnstart1\pnindent720\pnhang {\pntxtb ({\pntxta)}}
{*\pnseclvl9\pnlcrm\pnstart1\pnindent720\pnhang {\pntxtb ({\pntxta)}}\pard\plain

\s15\qc \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid1189932 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033
{\ul\insrsid9663784\charrsid1189932 THE REPUBLIC OF UGANDA \line IN }

\ul\insrsid2629063\charrsid1189932 TH}{\ul\insrsid9663784\charrsid1189932 E HIGH }
{\ul\insrsid2629063\charrsid1189932 COURT}{\ul\insrsid9663784\charrsid1189932 }
{\ul\insrsid2629063\charrsid1189932 OF UGANDA}{\ul\insrsid9663784\charrsid1189932

AT KAMPALA }{\insrsid9663784\charrsid1189932 \line }{\ul\insrsid9663784\charrsid1189932
ADOPTION CAUSE NO. 1}{\ul\insrsid2629063\charrsid1189932 5}
{\ul\insrsid9663784\charrsid1189932 OF 1991 \line }{\ul\insrsid2629063\charrsid1189932 IN THE
MATTER OF }

{\ul\insrsid9663784\charrsid1189932 HAR}{\ul\insrsid2629063\charrsid1189932 R}
{\ul\insrsid9663784\charrsid1189932 Y. JOHN}{\ul\insrsid2629063\charrsid1189932 SHILLING}
{\ul\insrsid9663784\charrsid1189932 (AN){\ul\insrsid2629063\charrsid1189932 }

\ul\insrsid9663784\charrsid1189932 INFANT) }\insrsid9663784\charrsid1189932 \line BEFORE:. }
\ul\insrsid9663784\charrsid1189932 Th}\ul\insrsid2629063\charrsid1189932 e}
\ul\insrsid9663784\charrsid1189932 }\ul\insrsid2629063\charrsid1189932 H}{

\ul\insrsid9663784\charrsid1189932 o}\ul\insrsid2629063\charrsid1189932 no}
\ul\insrsid9663784\charrsid1189932 urable. Ag. }\ul\insrsid2629063\charrsid1189932 Justice M.
Kireju. \line }\ul\insrsid9663784\charrsid1189932 RULING }

\ul\insrsid2629063\charrsid1189932

\par }\pard \s15\ql \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid1189932 {\insrsid9663784\charrsid1189932 \line This adoption
petition }\insrsid2629063\charrsid1189932 was}{

\insrsid9663784\charrsid1189932 filed, by the. }\insrsid2629063\charrsid1189932 Petitioners}
\insrsid9663784\charrsid1189932 Steven Anthony Shining and Judith Shilling, the petitioners }
\insrsid2629063\charrsid1189932 ar}{

\insrsid9663784\charrsid1189932 e husband and wife and they were married on }
\insrsid2629063\charrsid1189932 10}\insrsid9663784\charrsid1189932 /1}
\insrsid2629063\charrsid1189932 2/87 i}\insrsid9663784\charrsid1189932

n the Republic of Botswana, the marriage certificate was presented before court. }
\insrsid2629063\charrsid1189932

\par }\insrsid9663784\charrsid1189932 \line At the hearing of the petition, Steven Shilling was }
\insrsid2629063\charrsid1189932 represented}\insrsid9663784\charrsid1189932 by h}
\insrsid2629063\charrsid1189932 is brother in law Mr. Steven Ss}{

\insrsid9663784\charrsid1189932 ekannyo who was granted power of attorney to act on his behalf
in }\insrsid2629063\charrsid1189932 the}\insrsid9663784\charrsid1189932 }
\insrsid2629063\charrsid1189932 proceeding}\insrsid9663784\charrsid1189932

. Judith Shilling was }\insrsid2629063\charrsid1189932 present in person, and}
\insrsid9663784\charrsid1189932 the mother of }\insrsid2629063\charrsid1189932 the infant \line
Divi}\insrsid9663784\charrsid1189932 na , Babirye with the baby were }

\insrsid2629063\charrsid1189932 also presen}\insrsid9663784\charrsid1189932 t. }
\insrsid2629063\charrsid1189932

\par }\insrsid9663784\charrsid1189932 \line The petition i}\insrsid2629063\charrsid1189932 s}
\insrsid9663784\charrsid1189932 supported by the aff}\insrsid2629063\charrsid1189932 ida}
\insrsid9663784\charrsid1189932 vits}\insrsid2629063\charrsid1189932

of }\insrsid9663784\charrsid1189932 Jud}\insrsid2629063\charrsid1189932 ith Shilling and Steven
Ssekann}\insrsid9663784\charrsid1189932 yo. From the two affidavits with }
\insrsid2629063\charrsid1189932 annexure}\insrsid9663784\charrsid1189932

thereto and the submission by the counsel for the petitioners, the following information has been noted.

The petitioners Mr. & Mrs. Steven Shilling both are British citizen and resident in Botswana. The petitioners

are both teachers aged 38 and 47

years respectively, they do not have any child of their own or any person resident with them. Steven Shilling is the

father of Harry John Shilling the child to be adopted, and Judith Shilling is related to the said

child

The applicant is the father of the infant namely Steven Shilling.

The consent of the parent or guardian of the infant as required under section 4(3) of the

Act has been received from the Divin Babirye

the mother of the infant, And Steven Ssekannyo who has been looking after the infant, section 4

- 4) has also been complied with as evidenced by the affidavit sworn by Judith Shilling where she agreed with her husband to adopt the infant. Section 4(5) of the

A}{\insrsid9663784\charrsid1189932 ct is as follows; \line }{\insrsid1189932

\par }{\pard \s15\ql \li720\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\fauto o\adjustright\ri0\lin720\itap0\pararsid1189932 {\i\insrsid9663784\charrsid1189932 \93An adoption order shall not be made in \line

favour of any applicant unless he is a British subject or a citizen of Uganda and is resident in Uganda or in }{\i\insrsid1189932\charrsid1189932 respect of any infant unless he} {\i\insrsid9663784\charrsid1189932 is a British subject or a citizen o}{

\i\insrsid1189932\charrsid1189932 f Uganda and}{\i\insrsid9663784\charrsid1189932 is } {\i\insrsid1189932\charrsid1189932 resident in Eas}{\i\insrsid9663784\charrsid1189932 t Africa } {\i\insrsid1189932\charrsid1189932 \93

\par }{\pard \s15\ql \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\fauto\adjustright\ri0\lin0\itap0\pararsid1189932 {\insrsid9663784\charrsid1189932 \line In the affidavit of Judith Shilling }{\insrsid1189932\charrsid1189932 and}{

\insrsid9663784\charrsid1189932 in the petition }{\b\insrsid9663784\charrsid1189932 it } {\insrsid9663784\charrsid1189932 is specifically stated that t}{\insrsid1189932\charrsid1189932 he petitioners are resident at Tsabong in Bots}{

\insrsid9663784\charrsid1189932 wana and they are both British citizens. \line The petitioners do not satisfy the requirements under this sub\emdash section as they are not resident in Uganda} {\insrsid1189932\charrsid1189932 . The wordi}{\insrsid1189932

ng of }{\insrsid1189932\charrsid1189932 the section is mandatory; no} {\insrsid9663784\charrsid1189932 discretion is left to the court. \line Generally the law relating to adoption of children }{\insrsid1189932\charrsid1189932 is very strict, an}{

\insrsid1189932 d }{\insrsid1189932\charrsid1189932 it}{\insrsid1189932 i} {\insrsid1189932\charrsid1189932 s regrettable that}{\insrsid9663784\charrsid1189932 this law has not been looked at since 1964 and some of the previsions }

\insrsid1189932\charrsid1189932 are}{\insrsid9663784\charrsid1189932 not up\emdash to\emdash date with the changes which have taken place in our society. However, until the law is amended, my hands are tied. \line In }{\insrsid1189932\charrsid1189932

the resul}{\insrsid9663784\charrsid1189932 t, I cannot grant an adoption order as the \line petitioners are not resident in Uganda. \line The petition is accordingly dismissed} {\insrsid1189932\charrsid1189932 }{\insrsid9663784\charrsid1189932

Judith Shilli}{\insrsid1189932\charrsid1189932 ng to \line bear the cost of this pe} {\insrsid9663784\charrsid1189932 titon. \line KIREJU

\par }{\insrsid1189932\charrsid1189932 23/12/91

\par }\pard\plain \ql \li0\ri0\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0
\itap0\pararsid1189932 \fs24\lang1033\langfe1033\cgrid\langnp1033\langfenp1033
{\insrsid9663784\charrsid1189932 \line
\par }}

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ulii.org/akn/ug/judgment/ughc/1991/6/eng@1991-12-23>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/in-re-estate-v-harryjohnshillinganinfantadoptioncauseno15of19911991ughc623december1991-unknown-topic-unknown-court-1991>

Prepared on 13 October 2026 · Esheria