

UGANDA / JUDGMENT

Mrs. Christine Anywar & Rose Alilo v Mr. Christopher Alioma, Mr. Leni Gilbert Boniface, Andama Martin & The Red Pepper Publications Ltd (Civil Suit 27 of 2015) [2023] UGHC 208 (16 October 2023)
[2023] UGHC 208

COURT
High Court of Uganda

BEFORE
Mwaka, J

CASE / FILE NUMBER
Civil Suit 27 of 2015

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THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT GULU

CIVIL SUIT No. 027 OF 2015

1. MRS. CHRISTINE ANYWAR
2. ROSE ALILO

PLAINTIFFS

Versus

- 1. MR. CHRISTOPHER ALIOMA
- 2. MR. LENI GILBERT BONIFACE
- 3. ANDAMA MARTIN

4. THE RED PEPPER PUBLICATIONS LTD DEFENDANTS

BEFORE MR. JUSTICE PHILIP W. MWAKA

RULING.

- [1]. This Ruling arises from the proceedings of the Court on the 16th October, 2023 when the suit was fixed for hearing before the Court. Neither the Plaintiffs and their Counsel nor the Defendants and their Counsel were present.
- [2]. Prior to the date of hearing, on the 26th September, 2023 the Court had ordered that service of Court process be effected on the Parties by way of Substituted Service under *Order 5 Rule 18 of the Civil Procedure Rules*, SI 71-1 and that the Hearing Notice is affixed to the High Court, Gulu Notice Board.
- [3]. On the Court Record was an Affidavit of Service deposed by Mr. Manano Davis, the Court Clerk, on the 16th October, 2023 in proof of service on the Parties. The Court undertook enquiry into the effectiveness of the service of the Hearing Notice and accordingly the contents of the Affidavit of Service were duly read Verbatim for purposes of the Court Record and to enable a determination by the Court on the manner in which to proceed.
- [4]. The contents of the Affidavit of Service were to the effect that Pursuant to the Order of the Court on the 26th September, 2023 the Hearing Notice was duly extracted under the supervision of the Deputy Registrar. As directed, he affixed the Hearing Notice to the Court Notice Board of the High Court, Gulu on the 29th September, 2023 and it is still affixed thereto todate.
- [5]. A copy of the Hearing Notice which was affixed to the High Court, Gulu Notice Board is Attached to the Affidavit of Service and marked **Annexture " \$A\$ "** as the Return of Service.
- [6]. A review of the Court Record indicates that the suit is founded in Libel and Defamation with prayers for damages, injunctions and other remedies. The Complaint was filed on the 2nd July, 2015. The 4th Defendant filed its Written Statement of Defence on the 4th August, 2015 and the 1st, 2nd and 3rd Defendants filed their Written Statement of Defence on the 16th July, 2015.
- [7]. On the 23rd May, 2019 the Hon. Justice Stephen Mubiru referred the matter to Mediation with the Deputy Registrar appointed Mediator. There is no feedback on the Mediation on the Court file by way of a Mediation Report.

See: The Judicature (Mediation) Rules SI 10/2013.

[8]. The last proceedings before the Court were had on the 18th March, 2020 when the matter was adjourned to the 6th July, 2020 for hearing. No further proceedings were taken thereafter.

Decision of the Court.

[9]. Having scrutinized the Affidavit of Service, the Court is satisfied that service was duly effected on the Parties by way of Substituted Service whereby the Hearing Notice was duly affixed to the High Court, Gulu Notice Board from the date of issuance on the 29th September, 2023 to date. Nonetheless, the Parties and their Counsel are all absent.

See: Supreme Court Civil Appeal No. 016/2014: Bitamisi Namuddu Vs. Rwabuganda Godfrey.

- \$[10]\$. Further, having regard to the circumstances of this suit which constitutes case backlog, the Court hereby dismisses the suit under *Order 9 Rule 17* of the Civil Procedure Rules, SI 71-1 for non-appearance of the parties.
- Each Party shall bear its own costs. \$[11]\$.

Orders of the Court.

\$[12]\$. Accordingly, the Court makes the following Orders: -

- 1. Civil Suit No. 27/2015 is hereby dismissed under *Order 9 Rule 17 of* the Civil Procedure Rules, SI 71-1 for non-appearance of the Parties.
- 2. Each Party shall bear its own costs.

It is so ordered.

Signed, Dated and Delivered at the High Court, Gulu this 16th day of October, 2023.

$\frac{1}{16.10.2023}$

Philp W. Mwaka

Acting Judge of the High Court.

Delivery and Attendance.

Ruling delivered in Court on the 16th day of October, 2023.

- 1. The Plaintiff is Absent.
- 2. Counsel for the Plaintiff is Absent.
- 3. The Defendants are Absent.
- 4. Counsel for the Defendants are Absent.

5. Court Clerk, Mr. Manano Davis, is Present.

$\frac{1}{6.10.2023}$

Philip W. Mwaka

Acting Judge of the High Court.

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