

UGANDA / JUDGMENT

Rwakaikara Kiiza v Attorney General (Civil Suit No. 1322 of 2000)

[2001] UGHC 4 (27 November 2001)

[2001] UGHC 4

COURT

High Court of Uganda

CASE / FILE NUMBER

Civil Suit No. 1322 of 2000

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{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 Ivan Kiiza Rwakaikara
instituted this suit aga

inst the Attorney General seeking recovery of special dama}
{\lang1033\langfe2057\langnp1033\insrsid2391123 ges amounting to Shs.1, 773,865/=}
{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423

, general damages for breach of contract and costs of the suit. He prayed also for interest at 50%
per annum, from 1985 until payment in full, on the salary arrears w

high constitute the amount claimed as special damages. Hearing was ex parte as the defendant
did not find it worthwhile to be represented. In the event the testimony of the single witness that
the plaintiff was is not contested. \line }}

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{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 The plaintiff\rsquote s case is
th

at in 1960 he qualified as a teacher, a vocation from which he retired in 1999. He testified that in
1985 he was arrested and later indicted with the offence of kidnapping with intent to murder,
contrary to section 235(a) of the Penal Code. He was in pris

o

n from July 1985 until July 1990 when the High Court at Fort Portal acquitted him of the offence.
During the period the plaintiff was on remand his salary was not paid to him. Indeed even after
his acquittal and release from prison it took long before he

was reinstated and some salary arrears paid to him. That was despite several pl}
{\lang1033\langfe2057\langnp1033\insrsid2391123 eas he made to the Ministry of }
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Education, evidence of which abounds in the many exhibits tendered to Court. \line }
{\lang1033\langfe2057\langnp1033\insrsid2391123

\par }{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 The plaintiff in his
testimony gave what I found a moving chronol

ogy of his woes ever since 1985 when he was arrested. His testimony is backed by the exhibits he proffered to Court. In all his endeavours the plaintiff did not show evidence of the amount of money he claims he ought to have been paid. This is a disadvant

age as special damages need a more exacting standard for their proof. I do not agree with the contention in Counsel\rqoute

s submissions that the plaintiff gave particulars of his .alary arrears from August 1985 to January 1993 amounting in all to Shs.1,773,865/}{\lang1033\langfe2057\langnp1033\insrsid4668697 =}{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423

. Certainly contemporaneous pay slips or an acknowledgement could have made a difference. Unfortunately even these were not available. The Court of Appeal for East Africa in }{\ul\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 The}{

\ul\lang1033\langfe2057\langnp1033\insrsid4668697 Estate of Shami Visram and Kurj}{\ul\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 i Karsan vs Shankerprasad. Maganlal Bhatt & Others }{

\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 [1965] EA 789, 796 had this to say: \line }{\lang1033\langfe2057\langnp1033\insrsid4668697

\par }{\pard \s15\ql \li720\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\fauto o\adjustright\rin0\lin720\itap0\ipgp1\pararsid4668697}{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 \93While damages in tort are very often}{

\lang1033\langfe2057\langnp1033\insrsid4668697 at large, with the result that }{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423

compensatory damages are not restricted to actual pecuniary loss, this, of course, is not the position where the damages are claimed as special damages. In such a case the plaintiff has to plead and prove his loss}{

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Consequently I find no basis for awarding special damages in this case. However I award the plaintiff general damages of Shs.4}{\lang1033\langfe2057\langnp1033\insrsid4668697\charrsid7626423 , 000,000}{

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{\lang1033\langfe2057\langnp1033\insrsid4668697 =}
{\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 at 20% interest per annum
from the date of judgment u

ntil final payment. The plaintiff is also entitled to costs of this suit. \line }
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Before I take leave of this suit I must note that earlier on I had declined, having heard what
evidence there was, to write this judgment. The reason was that when I came to write t

his judgment I read the exhibited judgment of the Criminal Court way back in 1990 and observed
that I had been th}{\lang1033\langfe2057\langnp1033\insrsid4668697 e Advocate who represented
the }

\lang1033\langfe2057\langnp1033\insrsid10169333\charrsid7626423 plaintiff herein in the
Criminal Court. I had much heart-searching and doubted whether it would be appropria

te that I stand in judgment of this claim. I have since been persuaded otherwise hence this
judgment. My sense of justice is unalloyed.

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Prepared on 14 October 2026 · Esheria