

UGANDA / JUDGMENT

Uganda v Baguma (HIGH COURT CRIMINAL CASE No. 0078 of 2001) [2002] UGHC 31 (12 December 2002)

[2002] UGHC 31

COURT

High Court of Uganda

BEFORE

Zehurikize, J

CASE / FILE NUMBER

HIGH COURT CRIMINAL CASE No. 0078 of 2001

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dated 6th June 2001. The respondent filed his reply to the petition and cross-petition; both dated 19th July, 2001. The petitioner filed a reply to the petition and cross-petition on the 30/7/2001. The co-respondent, also filed his reply to the cross-petition on the 8th of August, 2001.

The summary of the facts in support of the petition and cross-petition are that the petitioner and the respondent married at Namirembe Cathedral on 1/10/1993 and a Marriage Certificate Annexure 'A' of 1994 was issued to them. The petitioner and the respondent cohabited at different places in Kampala between 1983 and 1991. During their stay together as husband and wife, three children, namely - Gulemye Apollo Kironde (19 years), Senteza Kadu Mukasa Kironde (17 years) and Mpagi Kali (13 years) were produced by the couple.

The contention and grounds of the petitioner that the respondent, since the solemnisation of the marriage committed adultery with Ms Ayeta, Ms Nambasa Florence and Fatuma Nanfuka in addition to committing acts of cruelty against the petitioner and their issues. The petitioner also alleged that the respondent deserted her in 1999.

In reply the respondent accused the petitioner of committing adultery and producing a child who is not the respondent's. He admitted associating with the women mentioned by the petitioner but denies committing adultery with any of them.

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The respondent had committed acts of adultery with Ayeta Wangusa and Florence Nambasa.
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 \hich\af0\dbch\af36\loch\f0 That the property comprised in LRV 2382 Folio 21 Plot 82, Old Kira
 Road, Naguru i

\hich\af0\dbch\af36\loch\f0 s the joint property of the Petitioner and the respondent and that any
 dispute touching on that property will be resolved in another forum. \line }
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The children of their marriage remain in the custody of the petitioner but that the respondent
 should be given\hich\af0\dbch\af36\loch\f0 access to those children while they are in the custody
 of the mother at Naguru or at school. \line {{

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That the children of their marriage shall be at liberty to stay at the home of either the petitioner
 or the respondent. \line {{f0\insrsid2850217\charrsid1576176

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 \hich\af0\dbch\af36\loch\f0 That the petitioner shall bear % of the Children\hich\f0 \rquote
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s maintenance, while the respondent shall bear 1/3 of the same, subject to the respondent having
 the financial means to meet his share of bringing up the children. \line }
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 \hich\af0\dbch\af36\loch\f0 The petitioner shall take full respon\hich\af0\dbch\af36\loch\f0

sibility of the Children where the respondent fails to meet his financial obligation toward the children. \line }{\f0\insrsid10619336\charrsid1576176

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This petition is brought under section 5 (2) of the Divorce Act which lays down the}
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petitioner, in case of a wife, may petition for the dissolution of marriage, under the law (Divorce set) as it appears under the passing of the 1995 Constitution, this petition would have been incompetent for disclosing no grounds for dissolution of marri

\hich\af0\dbch\af36\loch\f0 a\hich\af0\dbch\af36\loch\f0 ge. In other words it would be a plaint/petition that discloses no cause of action against the respondent. \line }
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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 But counsel for the petitioner has cited to me provisions of the 1995 Uganda Constitution which seek to place all human being as equals before the \hich\af0\dbch\af36\loch\f0 \hich\af0

law. Article 31(1) of the Constitution provides: '93\loch\f0 Men and women of the age of eighteen years and above, have the right to marry and to found a family and are entitled to equal rights in Marriage, during marriage and its dissolution. \line }{\f0\insrsid10619336\charrsid1576176

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\par }{\b{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Article 33(1) of the \hich\af0\dbch\af36\loch\f0 Constitution reads: \line }{\b{\f0\insrsid10619336\charrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \loch\af0\dbch\af36\hich\f0 '93\loch\f0 \hich\f0 Women shall be accorded full and equal dignity of the person with men'94\loch\f0 \line }{\f0\insrsid10619336\charrsid1576176

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shall have the right to equal treatment}

with men and that right shall }
 Article 33(6) provides}

include equal opportunities in political, economic and social activities. The summary of all the

Article 33(6) provides}

:
 '93

Laws cultures, customs or traditions which are against the dignity, welfare, or interest of women or which undermine their status are prohibited by this Constitution. The summary of all the above provisions of the C

onstitution is contained in Article 273(1) and (2) of the Constitution, where it is provided in }
 '94
 '93

Subject to the provisions of this Article, the operation of existing laws after the coming in force of this Constitution shall not be affected by the

coming in force of this Constitution, but the existing law shall be construed with such modifications adoptions, qualifications and exceptions as may be necessary to bring it into conformity with this constitution. And}

'85}
 '93
 '94

For the purpose of this Article, the expression 'existing law'

means the written and unwritten law of Uganda or any part of it as existed immediately before the coming in force of this constitution, including any Act of Parliament or Statute or Statutory Instrument enacted

or made before that date which is to come into force on or after that date.

\par }{\b\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Article 2(1) of the }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Constitution provides: \line }
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 constitution is the Supreme Law of Uganda and shall have the binding force on all authorities and
 persons throughout Uganda'94\loch\f0 . \line }{

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\par }{\b\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Articles 2(2) of the
 constitution reads: \line }{\b\f0\insrsid10619336\charrsid1576176

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If any other law or any custom is inconsistent with any of the provisions of this constitution, the
 Constitution shall prevail and that other law or custom shall, to the extent of the inconsistency,
 be void.

\par \hich\af0\dbch\af36\loch\f0 Ar\hich\af0\dbch\af36\loch\f0 ticle 21(1)(2) and (3) of the
 Constitution provides for equality equal protection of every human being before the law and that
 no person shall be discriminated against on the ground of that person

\hich\f0 \rquote \loch\f0 s sex-tribe creed, social or political standing or his or
 \hich\af0\dbch\af36\loch\f0 h\hich\af0\dbch\af36\loch\f0 er physical disability. \line }
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Lastly - the Judicature Statute confers upon the High Court jurisdiction which it exercises in
 conformity with the Constitution, written law, equity, common law, customs, See section 16 of the
 Judicature Statute. \line }{

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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 The effect of
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Il these constitutional provisions is show that sections 5 and 6 of the Divorce Act are inconsistent
 with the Constitution in that they create different sets of rights, opportunities and treatment for
 men and women to the same institution of marriage.

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 sections 5 and 6 of the Divorce Act are to be given effect, their aspects which infringe the above
 quoted provisions of the Constitution cannot be enforced or relied upon as good law. \line }
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The principle of equal rights and opportunities before the law, therefore, requires that the wife may sue for divorce of her marriage on the ground of adultery alone, in the same way as the husband is entitled to do under that section. (Section 5 of the Divorce Act).

In the result, therefore, I hold that the petitioner as well as respondent cross-petition are both competent and validly before the court.

Both the petitioner and the respondent have relied on each other's adultery in their prayers for the dissolution of their marriage. Both have admitted the fact of adultery.

Adultery can be proved by a party adducing evidence to prove the same or by the adulterer admitting the fact of adultery or by circumstantial evidence. It must be remembered that whoever desires court to give judgment as to his/her legal right or liability must produce evidence to prove the existence of the facts he asserts exist.

See: sections 100-103 of the Evidence Act.

Muller vs. Minister of Pensions (1947) 2 All E. R. 372

Adultery, on the part of both the petitioner and the respondent has been admitted and hence proved by their express pleadings in the petition and cross-petition, Under Order XI rule 1 of the C. P. R. any party to a suit may give notice by his pleadings or otherwise in writing that he admits the truth of the whole or any part of the case of any other party. A fact, once admitted, need not be proved and the plaintiff is entitled to judgment on the

\hich\af0\dbch\af36\loch\f0 defendant\hich\f0 \rquote \loch\f0 s}{\f0\insrsid2205\charrsid1576176
 \hich\af0\dbch\af36\loch\f0 admission of his claim. \line }{\f0\insrsid10619336\charrsid1576176

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 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Uganda Airlines,
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(1985) HCB 53-4. \line }{\f0\insrsid10619336\charrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Once the admission is made,
 the party making the same will n}{\f0\insrsid10619336\charrsid1576176
 \hich\af0\dbch\af36\loch\f0 ot normally be allowed to resign}{\f0\insrsid2205\charrsid1576176

\hich\af0\dbch\af36\loch\f0 from a pleaded admission unless made under a genuine mistake of
 fact. \line }{\f0\insrsid10619336\charrsid1576176

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 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Bater (1951) Probate 35 (C. A.) \line }
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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Notwithstanding the admissions of adultery by both the petitioner and r\hich\af0\dbch\af36\loch\f0

espondent, I find that neither of them has connived with the other to bring the present proceedings, neither of them has condoned the other partner\hich\f0 \rquote \loch\f0

s adultery and neither the petitioner nor the respondent have colluded with the other to institute these di\hich\af0\dbch\af36\loch\f0 v\hich\af0\dbch\af36\loch\f0 orce proceedings. \line }
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{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 : section 8 of the Divorce Act. \line }
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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Therefore this court do hereby pronounce a decree nisi for the dissolution of the petitioner\hich\f0 \rquote \loch\f0 s and respondent\hich\f0 \rquote \loch\f0 s marriage respectively. \line

After the decree nisi has been pronounced the court has to cons\hich\af0\dbch\af36\loch\f0

ider who of the parties to the marriage shall have the custody of the children. Section 30 of the Divorce Act provides that the court makes such order as to the custody, maintenance and education of the child or children as it deems fit. The guiding princ

\hich\af0\dbch\af36\loch\f0 i\hich\af0\dbch\af36\loch\f0 ple that the court must address is the welfare of that child or those children. What the welfare principal means is contained in sections 4 - 6 and the First schedule of the Children Statute. \line

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Nakaggwa vrs Kiggundu (1978) HCB 315. \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 The parties to this petition have agreed that the Children of their marriage shall remain in the custody of the petitioner who shall provide two thirds of their material and educational needs.

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circumsta\hich\af0\dbch\af36\loch\f0 nces permit, the father respondent shall assist in the
education and maintenance of the children to the extent of one third }}

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\hich\af0\dbch\af36\loch\f0 of their material and educational requirements. \line }}

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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Notwithstanding the order that
the custody of the Children be vested in the p\hich\af0\dbch\af36\loch\f0 etitioner the petitioner
and respondent have mutually agreed: \line }}

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\par }{\pard \s15\ql \fi-720\li720\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum
\faauto\adjustright\rin0\lin720\itap0\pararsid1576176 {\f0\insrsid2205\charrsid1576176
\hich\af0\dbch\af36\loch\f0 a) }{\f0\insrsid1576176 \tab }}

\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 that the respondent shall have access
to their children at the Petitioner\hich\f0 \rquote \loch\f0 s home at Naguru at reasonable times of
\hich\af0\dbch\af36\loch\f0

day and at the schools where they are schooling, and, \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 b) }{\f0\insrsid1576176 \tab }
{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 that such visits
t\hich\af0\dbch\af36\loch\f0

o their children should not be a source for the breach of peace; and \line }{\f0\insrsid1576176

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{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

the children may stay at the home of the petitioner or respondent when and how they wish
provided that such visits to their father (respondent) shall not be a source of tension
betwee\hich\af0\dbch\af36\loch\f0 n the petitioner and the respondent. \line }

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\hich\af0\dbch\af36\loch\f0 Section 23 of the}{\f0\insrsid2205\charrsid1576176

\hich\af0\dbch\af36\loch\f0 }{\b\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0
Divorce Act }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

provides for the co-respondent to pay costs to petitioner (in case the petitioner is the husband) where adultery with the wife of the petitioner is proved. \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 This section raises the same is\hich\af0\dbch\af36\loch\f0 sues of being}{\f0\insrsid1576176 \hich\af0\dbch\af36\loch\f0 \hich\af0\dbch\af36\loch\f0 in co}{\f0\insrsid2205\charrsid1576176

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nflict with the Constitution. It seeks to punish the adulterous wife while the adulterous husband goes scot free as far as costs with the co-adulterer are concerned. In fact, the co-adulterer does not have to be joined in the petition for

\hich\af0\dbch\af36\loch\f0 dissolution of marriage where the petitioner is the wife. This provision of the Act is manifestly discriminatory in nature}{\f0\insrsid1576176 \hich\af0\dbch\af36\loch\f0 and particularly against women.}{

\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 It is therefore void to the extent of its being discriminatory and in conflict with the Constitution\hich\af0\dbch\af36\loch\f0 .

\par }{\pard \s15\ql \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\adjustright\rin0\lin0\itap0\pararsid2850217 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

I will therefore apply the general laws that apply to costs under section 27 of the Civil Procedure Act. Under section 27 of the Civil Procedure Act the successful party is entitled to costs unless the court, in its discretion and for shown reasons deci

\hich\af0\dbch\af36\loch\f0 des otherwise. \line }{\f0\insrsid1576176

\par }{\b\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 See: }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Uganda Development Bank \line }{\f0\insrsid1576176 \hich\af0\dbch\af36\loch\f0 }{\f0\insrsid2205\charrsid1576176

\hich\af0\dbch\af36\loch\f0 Vrs \line }{\f0\insrsid1576176 \hich\af0\dbch\af36\loch\f0 \hich\af0\dbch\af36\loch\f0 }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Muganga Construction Company Ltd. \line }{\f0\insrsid1576176

\hich\af0\dbch\af36\loch\f0 }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 (1981) HCB 35. \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 The court can lower, in its discretion, deny the successful party costs if it deems fit having regard to the circumstances of the case. Such circumstances\hich\af0\dbch\af36\loch\f0

may include: \line }{\f0\insrsid1576176

{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 a) }{\f0\insrsid1576176 \tab }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the mutual consent of the parties to
 waive the costs. \line }{\f0\insrsid1576176

{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 b) }{\f0\insrsid1576176 \tab }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the incapacity of the unsuccessful
 party to pay the costs. \line }{\f0\insrsid1576176

{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 c) }{\f0\insrsid1576176 \tab }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the mitigating}{\f0\insrsid1576176
 \hich\af0\dbch\af36\loch\f0 }{\f0\insrsid2205\charrsid1576176

\hich\af0\dbch\af36\loch\f0 factors available to the losing party. \line }{\f0\insrsid1576176

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 \hich\af0\dbch\af36\loch\f0 d) }{\f0\insrsid1576176 \tab }{\f0\insrsid2205\charrsid1576176

\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the aggravating circumstances
 contributory to the winning pa\hich\af0\dbch\af36\loch\f0 rty - e.g. misconduct or neglect of the
 winning \hich\af0\dbch\af36\loch\f0 party. \line }{\f0\insrsid1576176

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{\par }{\pard \s15\ql \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\ad
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 \hich\af0\dbch\af36\loch\f0

Under section 23 of the Divorce Act, the petitioner would not be entitled to costs even is she
 proved the adultery of the respondent. This law is obviously discriminatory and inconsistent with
 the con\hich\af0\dbch\af36\loch\f0 stitution. \line }{\f0\insrsid1576176

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{\par }{\pard \s15\ql \li0\ri0\sb100\sa240\sbauto1\sl360\slmult1\widctlpar\aspalpha\aspnum\faauto\ad
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 \hich\af0\dbch\af36\loch\f0 The case of }{\b\i\f0\insrsid2205\charrsid1576176

\hich\af0\dbch\af36\loch\f0 Mrs. Ruhara vrs Christopher Ruhara }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 - }
 {\b\i\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 (1997) HCB 86, }
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\hich\af0\dbch\af36\loch\f0 is remotely relevant to the present case both in that the petitioner and
 the respondent are equally guilty of adultery. This case is one where there is no winner and no
 loser. No p\hich\af0\dbch\af36\loch\f0

arty should be allowed to benefit from his or her wrongs. The court, \hich\af0\dbch\af36\loch\f0 would therefore, exercise its discretion to refuse costs to both of them as none of them has come to court with clean hands. \line }\f0\insrsid1576176

\par }\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 I would also refuse to grant costs to either the petitio\hich\af0\dbch\af36\loch\f0 ner or respondent on the basis of the reasoning and principles adopted by the Supreme Court in the case of }\f0\insrsid1576176

\b\i\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Prince J. D. C. Mpuga Rukidi }
 {\b\i\f0\insrsid1576176\charrsid1576176 \hich\af0\dbch\af36\loch\f0 vs.}
 {\b\i\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

Prince Solomon Iguru & others \line Supreme Court Civil Appeal No. 18194 where Justice Oder held: \line }\b\i\f0\insrsid1576176

\par }\f0\insrsid2205\charrsid1576176 \loch\af0\dbch\af36\hich\f0 \93\loch\f0 It is, I think, in the\hich\af0\dbch\af36\loch\f0

interest of peace and harmony within the family and community of Bunyoro-Kitara Kingdom as a whole, that the rift or feud caused by the case, should be healed, if possible, as speedily as can happen. One side has won. The other has lost. In such circumst

\hich\af0\dbch\af36\loch\f0 a\hich\af0\dbch\af36\loch\f0 \hich\f0 nces it would assist the process of reconciliation within the family and the community concerned as a whole to bring to an end the possibility of one side trying to extract its \93

\loch\f0 \hich\f0 pound of flesh\94\loch\f0 \hich\f0 from the other\94\loch\f0 . \line }
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\par }\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 And Judge Tsekoko, made his concluding remar\hich\af0\dbch\af36\loch\f0 ks on the same subject of costs - in the same case by stating: \line \hich\f0 \93\loch\f0 \hich\f0

In fairness this harmony can be fostered by ordering each party to bear his own costs\94\loch\f0 . I think it is a proper case where neither the petitioner nor the respondents should be penalised in co\hich\af0\dbch\af36\loch\f0 s

\hich\af0\dbch\af36\loch\f0 ts, for he reasons that: \line }\f0\insrsid1576176

\par }\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 a) }\f0\insrsid1576176 \tab }
 {\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 all the parties to the petition are guilty of adultery. \line }\f0\insrsid1576176

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 \hich\af0\dbch\af36\loch\f0 b) }\f0\insrsid1576176 \tab }

\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the parties have agreed to settle the case expeditiously thereby saving court and themselves protracted \hich\af0\dbch\af36\loch\f0 proceedings that would involve loss of money and time. \line }

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\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 c) }{\f0\insrsid1576176 \tab }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 the \hich\af0\dbch\af36\loch\f0 petitioner and the respondent have agreed to maintain a harmonious relationship for he good and}{\f0\insrsid1576176 \hich\af0\dbch\af36\loch\f0 welfare of their children. \line

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 d) }{\f0\insrsid1576176 \tab }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

the petitioner and the respondent have accepted to have their children as a linking or joining bridge between them, \line }{\f0\insrsid1576176

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reasons shown above, I shall not grant any costs to any party to this petition. This includes the co-respondent. In the result, each party shall bear his or her own costs. \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 For the same reasons as I have given with regard to my refusal to award costs to an\hich\af0\dbch\af36\loch\f0

y party, I shall not give any damages to any party. Besides the damages claimed have not been proved. \line }{\f0\insrsid1576176

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 Finally, the following orders are made: \line }{\f0\insrsid14908956

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 A: }{\f0\insrsid14908956 \tab }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0

A decree Nisi is hereby pronounced dissolving the marriage between the petitioner and the respondent. \line }{\f0\insrsid14908956

\par }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 B: }{\f0\insrsid14908956 \tab }{\f0\insrsid2205\charrsid1576176 \hich\af0\dbch\af36\loch\f0 The\hich\af0\dbch\af36\loch\f0 custody of the children of he said marriage is granted to the petitioner, their mother. \line }{\f0\insrsid14908956

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The respondent shall have access to their children, at reasonable hours and times whether they (children) are at the petitioner's home or at school.

D: Each party to the petition shall bear his or her own costs.

Dated this 12th day of December, 2002

V. A. RWAMISAZI-KAGABA

JUDGE

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