

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KABALE
CIVIL APPLICATION NO. 35 OF 2012

IN THE MATTER OF JOAN AKANSASIRA :::::::::::::::::::: AN INFANT

AND

IN THE MATTER OF AN APPLICATION FOR LEGAL GUARDIANSHIP

BY

- 1. BRADLEY KNIGHT ::::::::::::::::::::APPLICANTS**
- 2. HOLLY KNIGHT**

BEFORE HON. MR. JUSTICE J.W. KWESIGA

RULING

This application for Legal guardianship was presented by **M/S Mugume Nyakimwe & Co. Advocates** under provisions of **Article 139 of The Constitution of The Republic of Uganda and Sections 14, 33 and 39 of The Judicature Act** which give this court Jurisdiction in matters including this Application.

The two joint applicants **BRADLEY KNIGHT** and **HOLLY KNIGHT** aged 35 and 20 years respectively are a married couple since 21st June, 2002 and together they have three (3) biological daughters. The applicants are both American Citizens living together in Plano Town, Texas in the United States of America. They are engaged in Missionary work under Preston wood Baptist Church. The two applicants' affidavits in support of this application

have annexures that highly recommend them as upright persons living as a good Christian family and possessed with good parental qualities.

JOAN AKANSASIRA is an infant aged slightly over one year. Mr. Karimunda Petero her grandfather, aged 83 years was examined on oath and he testified that the mother of the infant, **JACINTA**, is dead and the infants father **Mugyenji Tadeo** abandoned this infant together with two others who are now helpless. He expressly consented to this guardianship application for the good of the infant.

EZRA NDAGIJE testified that for a period of about 6 months he has kept the infant in his custody pursuant to the family and children's court order Kisoro. The infant had been under custody and care of M/S Potters village Crisis Center which only keeps infants up to only two years.

The above set out facts and circumstances, depict the following conditions pertaining to the life of **JOAN AKANSASIRA**, the subject of this application:-

- (a) She lost her mother and was abandoned by her father without anybody to care for her.
- (b) Her grandfather is of advanced age and lacks capacity to look after the infant, he surrendered her to the Potters village Crisis Centre for temporary care.
- (c) Potters House Children's home takes care of abandoned or vulnerable children only up to the age of two years.

I am satisfied that **JOAN AKANSASIRA** deserves to be provided for under better conditions. She deserves to be brought up in a family set-up, religious or moral promoting conditions. She deserves provision for education. The courts in exercising the discretion to grant or not to grant

guardianship the welfare of the child ought to be given paramount consideration. Welfare of a child is constituted among other things, provision of moral upbringing, right to education, medical care, parental love and a family set-up that gives the infant opportunity to appreciate decent life values as they grow-up.

I have considered the Christian set-up and family life of the Applicants as contained in the several documents filed in satisfied that the Applicants intentions as expressed in the Recommendations from their Church are genuine and I have no doubt that the Applicants are suitable and proper persons to be appointed guardians to **JOAN AKANSASIRA**, the infant.

The Applicants have made their intentions clear. They desire to obtain Legal guardianship of the infant to her a loving, secure upbringing as their own child. The applicants recommendations show that they suitable for this purpose. In view of the above, **BRADLEY KNIGHT** and **HOLLY KNIGHT** are hereby granted Legal Guardianship of **JOAN AKANSASIRA**, the infant.

Dated at Kabale this 25th day of September, 2012.

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J.W. KWESIGA

JUDGE

25/9/2012

In the presence of:

Mr. Timothy Twikirize holding brief for Mr. Mugume for the Applicants.

Mr. Ndagije – Administrator Potters Village.

Mr. Joshua Musinguzi – Court Clerk.