

THE REPUBLIC OF UGANDA
IN THE INDUSTRIAL COURT OF UGANDA AT KAMPALA
LABOUR DISPUTE: MISCELLANEOUS APPLICATION No.186 of 2022
ARISING FROM LABOUR DISPUTE CLAIM NO. 205/2017

ARISING FROM KCCA/CEN/LC/331/2016

PROF. MUKWANSON HYUHA..... APPLICANT

VERSUS

KAMPALA INTERNATIONAL UNIVERSITY..... RESPONDENT

BEFORE:

**1. THE HON. AG. HEAD JUDGE, LINDA LILLIAN TUMUSHIME
MUGISHA**

PANELISTS

1. MR EBYAU FIDEL

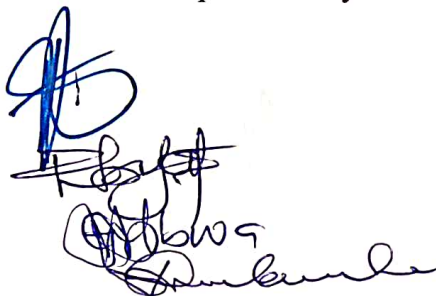
2. MS. HARRIET NGANZI MUGAMBWA

3. MR. FRANKIE XAVIER MUBUKE

RULING

This is an application brought under section 33 of the Judicature Act Cap 13, sections 99 and 98 of the Civil Procedure Act Cap 7, sections 8(2), 16(1) and 40 of the Labour Disputes (Arbitration and Settlement) Act, 2006, Rules 22(1) Of the Labour Disputes (Arbitration and Settlement)(Industrial Court Procedure) Rules, Order 52 Rules 1 and 3 of the Civil Procedure Rules and other enabling laws , for orders that:

- a) Court is moved to correct a mathematical error at page 8 of its award in Labour Dispute Claim No. 205 of 2017 and particularly in the computation



of the Applicants unpaid salary for the period October 2013 to April 2015 and that each party should bear its own costs.

REPRESENTATION:

The Applicant was represented by Mr. Hannington Muteebi KBW Advocates, Kampala, while the Respondent was represented by Ms. Evelyn Tumuhairwe of MAGNA Advocates, Kampala.

The grounds of the application are set out in the notice of motion which is supported by an affidavit sworn by Prof. Mukwanson Hyuha the Applicant, himself. According to him, when he obtained and carefully read a Copy of the typed award of the Court in Labour Dispute Claim No. 205 of 2017 (which he attached to the Affidavit as annexure "A", he established that, at page 8 of the award, there was an omission or mathematical error in calculating his unpaid salary for the period of October 2013 to April 2015.

That Court held that, he was denied Ugx. 1,800,000/- for the period October 2013 to April 2015, totaling to 19 months, but in calculating the same, it arrived at a total of **Ugx.12,600,000/-** instead of the correct summation of **Ugx.34,200,000/=**.

Given that, this Court is vested with Jurisdiction to correct mathematical errors made in its Judgements or orders as provided by law, it is fair and equitable that it invokes this jurisdiction to correct the said mistake.

DECISION OF COURT

When this Application was set down for hearing on 16/12/2022, (the Applicant having filed both the Application and his Submissions in support), Counsel for the Respondent appeared in Court and prayed to be allowed to file its affidavit in opposition together with her submissions. In the interest of Justice, Court granted her leave to file and serve Counsel as prayed. However to date the Respondent


has not complied with Court's directions and has therefore, not furnished Court with any evidence in opposition of the Application.

The Respondent however wrote to the Registrar regarding this application. We have had an opportunity to consider the said letter, dated 12/01/2023, to the effect that, the Respondent has no longer had any intention to oppose the Application.

In any case, Order 17 of the Civil procedure rules which grants a court jurisdiction to proceed to decide a suit where any party to the suit fails to take the necessary steps to produce his or her evidence or to take any other step in the furtherance of the progress of the case, and in accordance with Section 99 of the Civil Procedure rules which caters for the correction or rectification of errors or omissions by Court in Judgements, Orders Decrees or errors arising in them from accidental slip, to give effect to the true and express intention of the court and section 17 of the Labour Dispute(Arbitration and Settlement) 2006 and Section 9(5) of the Labour Dispute(Arbitration and Settlement) Amendment Act 2021, this court is dressed with jurisdiction to review its decisions or awards.

Having not provided evidence in opposition to the Application, we shall resolve the application notwithstanding. We have considered the error pointed out by the applicant and are satisfied that Court inadvertently made an arithmetical/ mathematical error in calculating the Applicant's unpaid salary which it had assessed at Ug.1,800,000/- per month, for the period of October 2013 to April 2015 totaling to 19 months, which amounts to **Ugx. 34,200,000/-** as opposed to **Ugx. 12,600,000/-** which was erroneously awarded, at page 8 of its award in the matter.

We therefore, correct the error and order the Respondent to pay the Applicant the Correct amount of **Ugx. 34,200,000/-** which was what the Court intended should be paid and not **Ugx.12,600,000/-** which is erroneously indicated as the summation of the unpaid salary, at page 8 of the award.



The Application succeeds with no order as to costs.

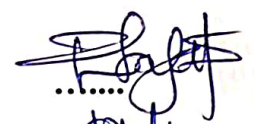
Delivered and signed by:

**THE HON. AG. HEADJUDGE, LINDA LILLIAN TUMUSIME
MUGISHA**

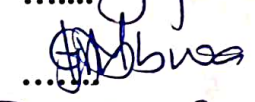

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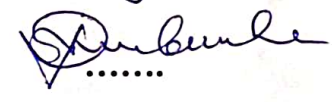
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DATE:10/02/2023