**Nyadoi v Railways Corporation**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 31 May 1974

**Case Number:** 1276/1973 (122/74)

**Before:** Saied J

**Sourced by:** LawAfrica

*[1] Civil Practice and Procedure – Pleading – Cause of action – Act of servant alleged – Presumption*

*of responsibility of master – Cause of action shown.*

*[2] Civil Practice and Procedure – Plaint – Contents – Name of defendant only required*, *not names of*

*servants – Civil Procedure Rules*, O. 7, *r.* 1 (*c*) (*U.*).

**Editor’s Summary**

The plaintiff claimed damages from the defendant for negligent acts of the defendant for negligent acts of the defendant’s servants. The defendant objected that the names of its servants should have been set out and that the plaint disclosed no cause of action as it was not specifically alleged that the servants were acting in the course of their employment.

**Held –**

(i) only the defendant’s name has to be given in the plaint;

( ii) there is a presumption that an employer is responsible for his servant and it is not necessary to

plead this (*Kangave v. Attorney-General* (12) followed).

Objection overruled.

**Cases referred to Judgment:**

(1) *Sullivan v. Alimohamed Osman*, [1959] E.A. 239.

(2) *Commissioner of Transport v. Gohil*, [1959] E.A. 936.

(3) *Yakobo v. Tanganyika Contractors*, [1963] E.A. 261.

(4) *Muwonge v. Attorney-General*, [1967] E.A. 17.

(5) *Dritoo v. West Nile District Administration*, [1968] E.A. 428.

(6) *Auto Garage v. Motokov* (No. 3), [1971] E.A. 514.

(7) *Launchbury v. Morgans*, [1971] 2 Q.B. 245.

(8) *Constant Munyegera v. General Motors* (1972),H.C.B. 127 (unreported).

(9) *Kazora v. Attorney-General* H.C.C.C., 1 of 1972 (unreported).

(10) *John Mbabazi v. Attorney-General*, H.C.C.C. 654 of 1972 (unreported).

(11) *Joseph Ngalomyambe v. Attorney-General*, H.C.C.C. 728 of 1972 (unreported).

(12) *Kangave v. Attorney-General*, [1973] E.A. 265.

(13) *Kawesa v. Attorney-General*, [1973] E.A. 407.