**Onama v National Insurance Corporation**

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

**Date of judgment:** 30 January 1974

**Case Number:** 1166/1973 (70/74)

**Before:** Kakooza Ag J

**Sourced by:** LawAfrica

*[1] Insurance – Motor Insurance – Nominal defendant – May be sued only when vehicle uninsured and*

*neither owner nor driver identified – Traffic and Road Safety Act* 1970, *s.* 44 (*U*)*.*

**Editor’s Summary** The plaintiff was the personal representative of a man who died in a road accident. The other vehicle was uninsured and its driver was known, but he had died. The plaintiff sued the defendant as nominal defendant. The defendant submitted that the suit was misconceived in that the deceased driver’s estate should have been sued and that the defendant could only be sued when the vehicle was uninsured and neither the driver nor the owner was known. The plaintiff contended that where either the driver or the owner of the vehicle was unknown the nominal defendant could be sued.

**Held –**

(i) Suit may be brought against the nominal defendant in the first instance only when the vehicle is uninsured and neither the driver nor the owner of it is identified;

( ii) the driver was known and his estate could have been sued;

(iii) The suit was accordingly misconceived.

Suit dismissed.

**No cases referred to in judgment**