

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT MBARARA

HCT-05-CV-CA-002-2006

1. KAGUMAHO GODFREY)
2. MUGARURA KENETH)APPELLANTS
3. BAMUSHABIRE FRANK)

VS

MWESIGWA DANRESPONDENT

BEFORE: THE HON. MR. JUSTICE P K MUGAMBA

JUDGMENT

The appellants herein appeal the judgment of the Mbarara District Land Tribunal in Civil Claim No. 81/2003 which was delivered on 9th September 2005, wherein judgment was given for the respondent in this appeal.

I have had opportunity to look at the record as well as the judgment of the District Land Tribunal. I have looked also at the written submissions for both parties. At the centre of the dispute is distribution or lack thereof of the estate of Erifazi Byabahororo, father to the appellants and the respondent. Such distribution was done by a group of people contrary to the letter and spirit of section 180 of the Succession Act, Cap 162 of the Laws of Uganda.

I agree with both counsel for the appellant and counsel for the respondent that the decision of the Land Tribunal was arrived at in error. This appeal is allowed and the decision and orders of the Mbarara District Land Tribunal are set aside. This being a family matter parties are to meet their respective costs.

P. K. Mugamba

Judge

27th March 2008