

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT KAMPALA

FAMILY DIVISION

CIVIL SUIT NO. 156 OF 2008

BYARUHANGA DENNIS:.....:PLAINTIFF

VERSUS

NURU TIBAIJUKA:.....:DEFENDANT

BEFORE: HON. LADY JUSTICE C.A. OKELLO

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JUDGMENT

The plaintiff, Dennis Byaruhanga filed the suit for a number of remedies including an order declaring the defendant not entitled to administer the estate of Tibaijuka Tarsiso deceased; an order for cancellation of letter of administration granted to the defendant in Mengo Chief Magistrate's Court Administration Cause No. 24 of 2000; general damages for trespass onto the deceased's land and other remedies.

The plaintiff's case as contained in his pleadings, his testimony and the testimony of his other three witnesses is that his father was Tarsisio Tibaijuka who died in 1990 and was survived by

the plaintiff as an only son and two daughters; Molly and Monica Tibaijuka but no widow. The estate consisted of developed land comprised in Block 28 Plot 799 at Makerere Kavule; it was first administered by the vacated the residential holding. The defendant's right to reside with the children equally terminated.

Lastly on the remedies prayed for, as all the issues framed have been resolved in favour of the plaintiff, I find him entitled to most of the remedies he claimed. I therefore make the following orders:

(1) It is ordered that the letters of administration granted to the defendant by the Chief Magistrate Court of Mengo in Administration Cause No. 24 of 2000 be, and is hereby revoked.

(2) Letters of administration to the suit estate shall issue to the plaintiff.

(3) It is declared that the defendant's name was wrongly entered on the certificate of title of Block 28 Plot 799 Makerere Kavule. The Registrar of Titles/Commissioner for Land Registration is ordered to cancel the name of the defendant from the said Certificate of title, and in place thereof, to enter the name of plaintiff as administrator of the suit estate.

(4) A permanent injunction is issued restraining the defendant by herself and or through her agents and from further trespassing onto the suit land or any part thereof.

(5) The defendant shall pay the plaintiff's costs of the suit.

C.A. Okello

JUDGE

25/8/2009