

---

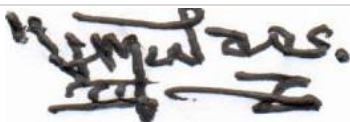
**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT FORT PORTAL**  
**HCT – 01 –CV – MA – 0074 -2023**  
**(ARISING FROM HCT – 00 – FD – AC – 1480 - 2008, IN THE MATTER OF**  
5       **THE ESTATE OF THE LATE ASIIMWE KADRI (DECEASED)**  
**AND**  
**IN THE MATTER OF AN APPLICATION FOR REVOCATION OF**  
**LETTERS OF ADMINISTRATION BY BAHATI JANNAT AND BAGUMA**  
**FARUSI AND GRANT TO THE APPLICANTS**  
10  
**BEFORE: HON JUSTICE VINCENT WAGONA**  
**RULING**

**Introduction:**

15 This is an ex-parte application brought under Section 33 of the Judicature Act, Section 98 of the Civil Procedure Rules, Section 234 of the Succession Act and Order 52 rule 1 and 3 of the Civil Procedure Rules for orders that:

1. **The grant for letters of administration vide HCT – 00 – FD – AC – 1480 – 2008 (The Estate Of The Late Asimwe Kadri) be revoked.**
2. **The grant of the applicants by the High Court of Uganda at Fort Portal vide HCT – 01 – FD – AC – 0082 of 2022 instead operates.**
3. **Costs of the application be provided for.**

25 **Background:**



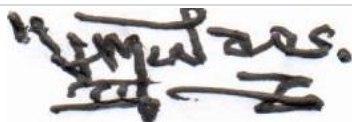
---

The application is supported by the affidavit of Baguma Farusi who averred as follows:

1. That the applicants are biological children of the late Asiiimwe Kadri and the late Asiiimwe Katusabe Zahara who was the former administrator. That the applicants got letters of administration over the estate vide HCT – 01 – FD – AC 082 of 2022 granted by the High Court at Fort Portal.
2. That the late Asiiimwe Kadri died on the 13<sup>th</sup> of May 2008 and upon his demise, the applicants’ mother Asiiimwe Katushabe Zahara was granted letters of administration over the estate vide HCT – 00 – FD – AC – 1480 – 2008.
3. That the Asiiimwe Katushabe Zahara was the administrator also passed on and upon her demise, the grant to her became unless and inoperative which is just cause to revoke the same.
4. That their mother passed on before distributing the estate and since the same was not distributed, the applicants applied and were granted letters of administration over the estate of the late Asiiimwe Kadri by the High Court of Uganda at Fort Portal vide HCT – 01 – FD – AC – 0082 of 2022.
5. That the applicants want to administer the estate among all the beneficiaries. That court should be pleased to allow the application to pave way for the applicants to administer the estate of the late Asiiimwe Kadri.

### **Representation and hearing:**

The applicants were self-represented and never filed written submissions. I thus considered the application and annexures thereto.



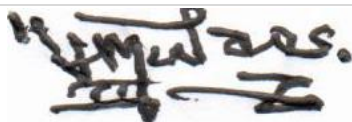
---

**Decision:**

Section 234 of the Succession Act as amended provides that:

- 5            *1. The grant of probate or letters of administration may be revoked or annulled for just cause.*
- 2. In this section, “just cause” means—*
- (a) that the proceedings to obtain the grant were defective in substance;*
- (b) that the grant was obtained fraudulently by making a false suggestion,*  
10            *or by concealing from the court something material to the case;*
- (c) that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though the allegation was made*  
              *in ignorance or inadvertently;*
- (d) that the grant has become useless and inoperative through*  
15            *circumstances; or*
- (e) that the person to whom the grant was made has willfully and without reasonable cause omitted to exhibit an inventory or account in accordance*  
              *with Part XXXIV of this Act, or has exhibited under that Part an inventory*  
              *or account which is untrue in a material respect.*
- 20            *(f) the person to whom the grant was made has mismanaged the estate.*

The above section among others allows court to revoke a grant which had been rendered by circumstances to be useless or in operative. This depends on the facts  
25 and circumstances of each case. In this case, the applicants contended that court had issued a grant of the letters to the estate of their late father to their mother, now the



---

late Asiimwe Katusabe Zahara vide HCT – 00 – FD – AC – 1480 – 2008. That their mother passed on and they applied for a grant of letters however the former ones are still in existence.

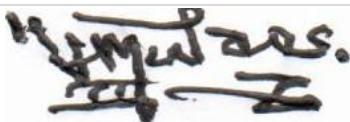
- 5 The applicants attached a certified copy of the former grant as annexure A together with the death certificate of their late father Asiimwe Kadri. They also attached a copy of the death certificate for their mother Asiimwe Katusabe Zahara as annexure B who is said to have passed away on 10<sup>th</sup> October 2018. They further attached a grant of letters of administration to the estate of their late father issued by this court  
10 to Bahati Jannat and BagumaFarusi (co- administrators) on 29<sup>th</sup> September 2022 as annexure C.

It is settled law that once an administrator dies, the letters of administration abate and lose the force of law. They are thus rendered inoperative and cannot be inherited  
15 by the beneficiaries of the holder of letters of administration. It is also trite that there cannot be more than two general grants of letters of administration over the same estate save in exceptional circumstances as provided for under the law. In this case, the holder of the letters of administration vide HCT – 00 – FD – AC – 1480 – 2008, passed per annexure B. Therefore, the grant in issue was rendered in operative with  
20 no force of law. I therefore revoke the same.

This application therefore succeeds with the following orders;

- 1. That the letters of administration in HCT – 00 – FD – AC – 1480 – 2008 granted to Asiimwe Katusabe Zahara (deceased) are hereby revoked for having been rendered inoperative.**

25



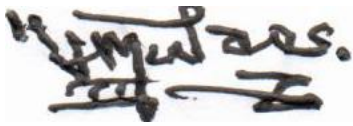
---

2. That the letters of administration granted to BAHATI JANNAT and BAGUMA FARUSI (applicants) in HCT – 01 – FD – AC – 0082 of 2022 over the estate of the late ASIIMWE KADRI is valid and the administrators are at liberty to execute their roles as such.

5

3. There is no order as to costs.

It is so ordered.



10

Vincent Wagona

High Court Judge

FORTPORTAL

15 DATE: 13/11/2023

