

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT MBALE

MISC. APPLICATION NO.0145 OF 2004

ARISING FROM

PROBATE AND ADMINISTRATION CAUSE NO. 004 OF 2004

**IN THE MATTER OF THE ESTATE OF THE LATE ABASA MAGOLO OG KIGUDYA,
BUNYAJA, BUTEEZA, MBALE**

MADINA MAGOLO AND

NALWEYISO YUDAYA.....APPLICANTS

VERSUS

KASIFA MAGOLO NAJUMA.....RESPONDENT

BEFORE THE HON. MR. JUSTICE E.K. MUHANGUZI

RULING

I have studied the papers on this file carefully. The applicants appears to complain about the potential and actual loss of care and benefit from the person who applied for Letters of Administration who is the mother of 5 of the children out of 10 children left by the deceased. That another child, Shafiq, was not named in the application by the respondent. These children currently are not getting support for subsistence and school fees. The respondent is represented by Counsel who applied for and was supplied proceedings in this matter on 5/1/2005 and was served for today's hearing. However, notwithstanding Counsel's being on suspension no papers have been filed on record in opposition to this application. Also respondent's absence at today's hearing is not explained. So in the interest of justice and of the applicants' benefit from the estate, I am unable to grant an adjournment. I think what is sought for in this application if granted, will in no way prejudice the respondent. Both parties' interest in the estate will be impartially cared for by the estate being administered by a neutral party.

Accordingly I order that the administrator General be appointed Administrator of this estate of Abasa Magola Pendente lite. No order as to costs in view of the fact that this application was not opposed.

E.K. MUHANGUZI

A.G. JUDGE

23/3/05