

REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
{FAMILY DIVISION}

High Court Civil Suit No. 27 OF 2011

High Court Civil Suit No. 148 of 2012 (Consolidated)

ANNET NAMIRIMU NDAULA =====PLAINTIFF

V

REV ALONI MULONDO

JESSICA NAKAYENGA

VICTORIA NDAGIRE=====DEFENDANTS

(Administrators of the Estate of the Late

Zerubabel Kateregga Kyamagwa)

BEFORE HON LADY JUSTICE CATHERINE BAMUGEMEREIRE

JUDGMENT

The Plaintiff instituted Civil Suit No. 27 of 2011 for Revocation of Letters of Administration granted to the Defendants in Administration Cause No. 662 of 2010. The Plaintiff is the Administratrix of the Estate of her husband the Samuel Kayondo Ndaula (deceased). She was granted Letters of Administration together with her two daughters Stella Nkizi and Ruth Nabadda. On the flip side, the Defendants are children of the late Zerubaberi Kateregga

Kyamaggwa who upon the demise of the Executors, Samuel Kayondo Ndaula, Crespo Kateregga, Dr. Samson Kisekka and Erifazi Lumansi became Administrators of the Estate the Late Zerubaberi Kateregga. The Plaintiff sought for a declaration that as the daughter in law of the Z. K Kyamagwa and Administratrix of the Will of the Late Samuel Ndaula she is entitled to benefit from the estate of the Late Z K Kyamagwa.

The Defendants counter-claimed and sought among others, for a declaration that that Plaintiff illegally sold Kibuga Block 4 Plot 502 at Namirembe, an order for vacant possession and eviction of third parties from land comprised in Kibuga Block 4 Plot 502 situate at Namirembe, a permanent injunction restraining the Plaintiff, her agents, servants or any person acting on her behalf from selling, transferring, constructing, accessing or in any other way utilizing Kibuga Block 4 Plot 502 at Namirembe, Cancellation of Certificates of title and Compensation for Loss. Each party prayed for Costs.

This Court notes that while the Plaintiff had instituted a suit against the Defendants the Defendants in turn sued the Plaintiff in Suit No. 148 of 2012 the particulars of which replicate what was contained in the Counter Claim to Civil Suit No. 27 of 2011. The reason for instituting a fresh suit against the Defendant was fear that the Plaintiff had little or no interest in pursuing Civil Suit No. 27 of 2011. At some point a Consent Judgment was entered before Lugayizzi J now retired. Unfortunately the Plaintiff was dissatisfied with the consent and preferred to have this matter heard in full. During the hearing of this suit the Court heard three witness for the plaintiff, four witnesses for the Defence, visited a Locus in Quo and called a Court witness.

The issues agreed upon were as follows:

1. **Whether the Defendants illegally/ Fraudulently obtained Letters of Administration in respect to the Estate of the Late Zerubaberi Kateregga Kyamagwa**
2. **Whether the Plaintiff illegally obtained Letters of Administration to the estate of the Late Samuel Kayondo Ndaula**
3. **Whether the Plaintiff intermeddled in the estate of the late Zerubaberi Kateregga Kyamagwa by illegally selling off various properties.**
4. **Whether the land comprised in Busiro Block 282 Plot 14 land situate at Gimbo forms part of the Estate of the Late Zerubaberi Kateregga Kyamagwa**
5. **What remedies are available to the Parties**

It is a principle cardinal to all civil cases under Section 101(1) of the Evidence Act that whosoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he or she asserts must prove that those facts are in existence. It is further a cardinal principle of law that in civil suits all evidence is proved on a balance of probabilities. See the cases of Miller V Minister of Pensions [1947] 2 All.E.R 372 and Katumba V Kenya Airways, Civil Appeal 9 of 2008 (SCU)

In view of the above issues and of matters pertaining to this suit, I am inclined to make some general statements of law which will become applicable later in this Judgment.

The first statement is the question of intermeddling. Section 268 of the Succession Act CAP bears a description of such a person and states as follows:

“A person who intermeddles with the estate of the deceased and does any other act which belongs to the office of the executor while there is no rightful executor thereby makes himself executor of his or her own wrong”.

Additionally an intermeddler is person who assumes the authority of an executor becomes an executor **de son tort** . Intermeddling includes assuming authority to administer the estate of another when a person does not have such authority.

It is equally important to lay down the following principle. An administrator only becomes one on getting letters of administration in respect of the estate of that particular deceased person.

In practical terms the administrator of the estate of the late Zerubaberi Kyamagwa cannot by that authority administer the estate of the late Samuel Kayondo and vice versa.

I will now proceed to evaluate the evidence of each side in detail as I consider each of the issues raised. In regard to issue No. 1 **whether the Defendants illegally/ or fraudulently obtained Letters of Administration in respect to the Estate of the Late Zerubaberi Kateregga Kyamagwa:**

It was the submission of Mr. Henry Kisaalu, Counsel for the Plaintiff that the Defendants fraudulently obtained the Letters of Administration in respect of the estate of the Late Zerubaberi Kyamagwa and by means of untrue allegations of fact. In order to prove this allegation Counsel relied on the evidence of PW1, Annet Namirimu, the Plaintiff and on Letters Petitioning for letters of Administration and on the Petition for Letters of Administration. They also relied on the evidence of DW2 Rev. Aloni Mulondo and DW4 Attanansio Lumansi.

Mr. Kisaalu further submitted that the Defendants ought to have known that their father died testate since the Samuel Kayondo was the Executor of their father’s estate and had been for

eleven years. It was further the submission of Counsel that the deliberate omission and neglect to invite the plaintiff to the family meeting which appointed administrators to the Estate of the late Kateregga Kyamagwa was a calculated ploy to deny her benefit and alienate her from acquiring the share of her late husband's estate.

Additionally Counsel for the Plaintiff argued that apart from the Defendants being untruthful and biased as administrators they did not genuinely and effectively represent the interests of all the beneficiaries to the estate.

Mr. Kisaalu relied on the case of **Fredick Zaabwe v Orient Bank and Others Civil Appeal No. 4 of 2006 (Supreme Court)** where it was held that fraud was among other things an intentional perversion of truth for the purpose of inducing another in reliance upon it or some part of some valuable thing belonging to him

They also relied on the case of **Stella Maris Amabilis & Michael Wandwasi v Esthaer Nabusakala High Court Civil Suit No. 72 of 2007** where Egonda J as he then was held that under s.234(2)c of the Succession Act ignorance or inadvertence does not save the situation. For as long as the allegation is untrue whether ignorantly claimed it is sufficient to annul the grant.

Mr. Kisaalu relied on s. 234(1) of the Succession Act which provides that the grant the grant of letters of Admin may be revoked or annulled for just cause. He relied on s.234(2) b and c where just cause includes making false suggestions or by concealment from Court something material to the case and where a grant is obtained by means of an untrue allegation of fact whether the allegation was made in ignorance or inadvertently.

Counsel for the Plaintiff surmised that in view of the Defendant's failure to declare that there existed a Will they made an untrue allegation of fact and therefore were falsely granted letters of Administration. Counsel prayed that the Letters of Administration granted to the Defendants be

revoked to give way to a process of appointment of new and legitimate administrators with Will annexed.

In reply to the issue whether **the Defendants illegally or fraudulently obtained Letters of Administration in respect to the Estate of the Late Zerubaberi Kateregga Kyamagwa** Ms Dorothy Nandugga Kabugo Counsel for the Defendant submitted that the Defendants lawfully acquired Letters of Administration.

Ms Nandugga submitted that the Defendants Aloni Mulondo, Jessica Nakayenga and Victoria Ndagire who were all children of the late Zerubaberi Kyamagwa and had meticulously followed the correct procedure in obtaining Letters of Administration the estate of their deceased father.

In reply to the allegation that the plaintiffs failed to declare the existence of a Will Defence Counsel relied on the evidence of DW2, DW3 and DW4. She argued that according to DW2 their older brother the late Samuel Ndaula was heir to their father and was said to be custody of their late father's Will but he held tightly to the Will and only exhibited a copy. It was further her evidence that the Plaintiff defeated their efforts to find the original Will and that she never made mention of the existence of the Will and yet she had it in her custody. According to DW2 the said Sam Ndaula was the last survive of the four Executors of her late father's Will. That when he died. DW4 Attanasio Nalumansi in his evidence stated that he relied on a photocoy if the Will given to him by Samuel Ndaula to install him as heir to the late Zerubaberi Kyamagwa.

Defence Counsel imputed fraud in the actions of the Plaintiff and contended that she was uncooperative and on a mission to intermeddle with her father in law's estate. Counsel argued that the Plaintiff rather than hand over the Original Will to the surviving children of the late Zerubaberi Kyamagwa ensured that she defeated all their efforts to lay hands on the original copy of the said Will. It was further argued that failure to see the original Will deprived the

Defendants from being able to identify the signatures on the Will. Counsel contended that it was the underhand methods of the Plaintiff that compelled the Defendants to apply for Letters of Admin without the Will Annexed. **I find that the Defendants are son and daughters of the late Zerubaberi Kyamagwa. They are his direct descendants and are thus entitled to administer and to benefit from the estate of the late Zerubaberi Kyamagwa. I carefully considered the two cases referred to by Mr. Kisaalu for the plaintiff. The first was Fredick Zaabwe v Orient Bank and Others Civil Appeal No. 4 of 2006 (Supreme Court) and the case of Stella Maris Amabilis & Michael Wandwasi v Esthaer Nabusakala High Court Civil Suit No. 72 of 2007. While I agree with the principles laid down in Zaabwe and in Amabilis (supra) I found both cases far removed, inapplicable and distinguishable from this set of facts. While it is indeed best practice to apply for letters of Administration with Will Annexed once a party has knowledge of the existence of a Will, I find the circumstances of this case peculiar. The Plaintiff had the original copy of the Will which she chose not to disclose to the Plaintiffs. While the existence of the Will was a public fact, the original Will was kept under key and lock by the Plaintiff. The Plaintiff cannot now come before this Court to claim that the Defendants ought to have annexed a Will when she had hidden its existence from the Defendants. It was mala fide on the part of the Plaintiff not to disclose the whereabouts of the Will to the children of the late Zerubaberi K Kyamaggwa. The Plaintiff was a marital partner of the late Samwiri Kayondo, a son of Zerubaberi Kyamaggwa . Ms Namirimu only happens to be related to the relatives of the Samwiri Kayondo as the mother of their nieces. The Plaintiff cannot therefore claim to be part of the direct family of the late Zerubaberi Kateregga Kyamaggwa. Regarding the complaint that the Plaintiff ought to have been invited to the Kyamaggwa family meeting,:**

it would appear to me that the Plaintiff appears to have erroneously believed that she could administer the estate of the late Zerubaberi Kyamaggwa. Consequently the Defendants were under no obligation to invite the Plaintiff to a family meeting of the family of the late Zerubaberi Kateregga.

I therefore find that the Defendants were properly granted Letters of Administration.

Issue No. 2 was **whether the Plaintiff illegally obtained Letters of Administration to the estate of the Late Samuel Kayondo Ndaula**

Counsel for the Plaintiff, Henry Kisaalu submitted that the Plaintiff was the wife to the late Samuel Kayondo Ndaula and that having been a wife to the late Kayondo Ndaula she was entitled to apply for Letters of administration of her husband's estate. Mr. Kisaalu relied on s.31 of the Succession Act which provides that no wife or husband shall take any interest in the estate of the intestate if at the death of the intestate he or she was separated from the intestate as a member of the same household. He relied on s.34 of the Succession Act to prove that at the time Samuel Ndaula died the plaintiff was living with the deceased as man and wife.

Ma Nandugga Kabugo for the Defendant vehemently rebutted the plaintiffs submissions and opined that the plaintiff illegally obtained Letters of Administration to the estate of the Late Samuel Ndaula basing on the ground that she was not a wife as known in law.

Defence Counsel relied on S.2 (w) of the Succession Act which defines a wife as a person who at the time of the intestate's death was either validly married to the deceased according to the Laws of Uganda or married in another country in another marriage recognized as valid by any foreign law under which the marriage was celebrated.

Counsel relied on the evidence of PW2 who stated that the plaintiff and her brother Samuel Kayondo were never married whether customarily or in any other way.

Defence Counsel argued that there was no evidence availed to Court of any marriage customary or otherwise in proof of the marriage between the plaintiff and the late Samuel Kayondo Ndaula and neither was there a rebuttal to the allegation that there was no valid marriage or proof in Annet Namirimu's evidence that she was legally married to the deceased.

Defence Counsel submitted relying on s.201 of the Succession Act that the Plaintiff was neither a wife nor a relative known under the law.

Court: The Plaintiff was not legally married to the late Samuel Kayondo but cohabited with him and together they begot three children. The Plaintiff was a partner of the late Kayondo and if the Plaintiff had restricted herself to only administer the estate of her late partner and not intermeddle in the affairs of the estate of the late Zerubaberi Kyamagwa this court would see no illegality committed with the issuance of the Letters of Administration to a girlfriend. This Court is however concerned that the Plaintiff overstepped her powers and used the powers of attorney earlier granted to Samuel Kayondo by his brothers and sister to involve herself in illegal Acts which were tantamount to intermeddling with the estate of the Zerubaberi Kyamaggwa. The amount of harm that has been occasioned by the Plaintiff's conduct as a result of holding any sort of Letters of Administration has been so immense and widespread that I find that she cannot be placed in such a position of trust any more, The late Kyamaggwa over seventy acres of land in Kyambogo area. Thanks to the Plaintiff's machinations, the family will be lucky to recover any. I therefore do not find the plaintiff a person worthy of holding Letters of Administration. It is a noble and onerous duty an administrator holds and they are under a duty to act in good faith at all times and to give account to the beneficiaries of the estate and to the Court. This duty is too high for the Plaintiff. She must be relieved of it.

Issue No.3 was **whether the Plaintiff intermeddled in the estate of the late Zerubabri Kateregga Kyamagwa by illegally selling off various properties**

Counsel for the Plaintiff made this issue No. 4 but it had been framed as issue no. 3 and I will resolve it as such. It was the Plaintiff's case that she did not intermeddle in the estate of the late Zerubaberi Kyamagwa. Since a vast estate is involved in this matter, both dealt with the land parcel by parcel.

The Land at Banda

The Defence relied on the evidence of the Plaintiff when she stated that she had purchased land in Banda in her personal capacity and that most of the titles were in her names. It was the submission for the Plaintiff that the Defendants merely alleged that the Plaintiff acquired the land in Banda by illegal means but they had no proof. The Plaintiff relied on the Photo copies of titles which bore the names of the Plaintiff. The Plaintiff further relied on a 1993 letter which proved that all the Defendants agreed to dispose of 50 acres of land comprised in Block 220 Plot 574 situate at Banda. It was the submission of counsel for the Plaintiff that although the land at Banda was said to form part of the estate of the late Zerubaberi Kyamagwa there was no evidence to prove that the Plaintiff was part of intermeddling.

The Defence argued that regarding the land at Banda the Plaintiff had on her own volition variously admitted to intermeddling when she testified that she processed certificates of title to Kyaddondo Block 220 Plot 121 and Plot 37 which measured 2.8 acres. The Defence further relied on the evidence of the of the Plaintiff when she claimed to own bibanja on different

parcels of land at Banda for which she acquired titles and sold off. It was the Defence case that the Defendants did not authorize the Plaintiff by power of Attorney to sell off the 50 acres of land. The Authenticity of the power of Attorney was put in question. The questioned documents, handwriting and signatures were subjected to a handwriting expert. Counsel relied on s.43 of the Evidence Act regarding the use of expert opinions in Court. She further relied on the case of **Maulidi Abdullah Chengo v R 1964 EA 122**. The report stated that there was no conclusive evidence to show that the Plaintiffs signed the power of Attorney upon which 50 acres of land was given away by the Plaintiff. Defence Counsel relied on the case of Nguku v Republic EA 18 where it was held that if the opinion of an expert is a confident one and is not challenged in cross examination the Court is entitled to accept the opinion of the expert. She therefore invited this Court to adopt the opinion expressed by the expert.

Learned Defence Counsel relied on the case of **Frederick Zabwe v Orient Brank SCA No. 4 of 2006** to allege fraud on the part of the Plaintiff.

I find that there was gross injustice occasioned on the family of the late Zerbabri by the negligence of the late Samuel Kayondo and the connivance and collusion of his Annet Namirimu.

Land at Gimbo

The Land at Gimbo was comprised in Busiuro Block 282 Plot 14 and Plot 30. The Plaintiff claimed right in Block 282 Plot 14. This land comprised of 17 acres and was registered in the names of the late Samuel Kayondo Ndaula. The Plaintiff's claim over this land was that since she was the Administratrix of the estate of the late Samuel Ndaula's estate she was entitled to administer this piece of land.

The Plaintiff further argues she had reconstructed the house formally used by the late Zerubaberi Kyamagwa but the Defendants had taken possession of the house and that if there was any intermeddling it was the defendants who had intermeddled by taking over a house she had renovated.

It was the submission of the learned Counsel for the Plaintiff that she was made administrator of her husband's estate vide Administration cause no. 146 of 2010 and was therefore was not an inter-meddler and was entitled to administer Busiuro Block 282 Plot 14.

It was the Defence case that the land at Gimbo initially belonged to the late Zerubaberi Kateregga Kyamagwa was the registered proprietor. It is a fact that this land houses the family burial grounds and houses the graves of the Grand Parents, Parents aunties, uncles brothers and sisters. On the land there was a remnant of a house which was said to have belonged to Yosia Kyamagwa, the father of Zerubaberi Kyamagwa. There was another house close to the graveyard which was currently occupied by Perusi Namalwa, a daughter of Zerubaberi Kyamagwa.

DW2 Victoria Ndagire testified that the late Samuel Ndaula entrusted her with the Title to this land which she kept until all the titles were handed into Court for safe custody pending the trial of this case. The Defence inferred that the late Samuel Kayondo did not trust the Plaintiff and therefore handed this title to his sister. It was the Defence submission that despite not being in possession of the title the Plaintiff still trespassed on this land and in her own admission stated that she occupied the land together with Wasajja who grows cassava and maize on two and a half acres and Kanakulya, Simbwa and Ndaula and a one Kiconco who grows flowers.

The Defendants' case was that the land comprised in Busiuro Block 282 Plot 14 situate at Gimbo comprised part of the burial grounds of the family of the ate Zerubaberi and therefore did not form part of the estate of the late Samuel Kayondo Ndaula.

Court's findings

Having carefully listened to both sides I find that the land comprised in Busiuro Block 282 Plot 14 situate at Gimbo does not form part of the estate of the late Samuel Kayondo Ndaula. Historically this land has always been in the line of the late Zerubaberi Kyamagwa. The latter, his ancestors and later generations were buried on this land. I find that Busiuro Block 282 Plot 14 was erroneously registered in the names of the late Samuel Kayondo. This land forms part of the estate of the Late Zerubabri Kyamagwa. The Plaintiff cannot purport to lay claim to this land. The Plaintiff's actions on this land amount to intermeddling. It is not contested that the land comprised in Block 282 Plot 30 belongs to the estate of the Estate of the late Zerubabri Kyamamagwa. During the locus in quo visit this Court noted that the house in which DW2 Victoria Ndagire resides is an ancient structure with some minimal touches and additions made to it. It remained looking like a 1960s structure. This house was apparently the dwelling place of the late Kyamagwa. His single daughters are entitled to occupy this house. Whatever is on the land forms part of the land. Any renovations and extensions made on Block 282 Plot 30 form part of this land. This land is part of the estate of the late Zerubaberi Kyamagwa.

Land at Namirembe

Counsel for the Plaintiff submitted that the land comprised in Kibuga Block 4 Plot 502 situate at the foothills of Namirembe managed by the Plaintiff. Counsel relied on the testimony of the Plaintiff who denied selling the said piece of land. The Plaintiff stated that all she did was lease out the land to one Bukenya.

It was not in dispute that title to this land was in the names of the Late Zerubaberi Kyamagwa.

Defence Counsel in her submission relied on the evidence of DW2 and the findings at the locus in quo. While the Plaintiff was explaining that she had leased to one Wycliffe Bukenya, he was present and insisted that on the contrary the Plaintiff had sold her the land. He produced the agreements of sale. This Court, by agreement of both parties was compelled to invite Bukenya as a Court witness so that he could explain the nature of proprietorship the Plaintiff had conferred upon him.

The Defence further relied on the evidence of DW2 who testified that before the Plaintiff's husband and later the Plaintiff took over management of the land at Namirembe she collected rent from tenants. This fact was corroborated by Wycliff Bukenya who accepted that he used to see Victoria Ndagire as she collected rent from the temporary dwelling which housed tenants who she named as among others, Angela Namatovu, Ruth Nakitende and Catherine Nabuule.

The Defence contended that the Plaintiff had no kibanja interest in this land. They contested the Plaintiff's claim that the above tenants were bibanja holders whose interest she had bought out. The Defence further contended that the Plaintiff's illegal sale of parts of Land at Namirembe was for the reason of unjustly enriching herself to the detriment of the rightful beneficiaries of the estate of the late Zerubaberi Kyamagwa.

Court's finding:

Having carefully listened to the evidence of the Plaintiff and the Defence offered by the Defendants and to both Learned Counsel for the Plaintiff and Learned Defence Counsel this Court finds that the evidence of DW1 Mr Bbale was compelling. Mr. Bbale testified that his father in-law bequeathed to him and his wife by gift intervivos part of what 1acre

of land. He sold his part of the land to the proprietor of Hotel Samsung. It was Bbale's evidence that the late Zerubaberi retained the other part of the land. I find that there is sufficient evidence that the land comprised in Kibuga Block 4 Plot 502, Land situate at Namirembe forms part of the estate of the Late Zerubabri Kyamagwa. I further find that the plaintiff's attempts at administering this land must fail. Whereas the Plaintiff managed to become the administrator of the estate of the late Samuel Kayondo Ndaula this did entitle her to equally administer land which was squarely part of the estate of the late Zerubaberi Kateregga Kyamagwa. The Plaintiff ought to have drawn a distinction between the land that belonged to Samuel Kayondo and the land which Samuel Kayondo executed on behalf of the estate of the late Zerubaberi Kyamagwa. As regards this land the Plaintiff was neither a beneficiary nor an administrator and therefore had not business intermeddling in an estate that belonged to the family of the late Zerubaberi Kateregga Kyamagwa. It was wrongful and illegal for the Plaintiff to sell off the land at Namirembe.

Consequently, having listened very carefully to the testimonies and submissions of both sides I struggled to find any basis upon which the Plaintiff would seek to Administer the estate of the late Zerubaberi Kyamagwa.

The Plaintiff happened to be a partner of the Late Samuel Kayondo Ndaula the son and heir of the late Zerubaberi K Kyamagwa. It is pretty obvious that the Plaintiff took advantage of the laxity of the late Samuel Kayondo and the vacuum of the leadership he created to gain access to the estate of the late Zerubaberi K Kyamagwa. By lodging this suit the Plaintiff sought to take over and extend her influence through possible plunder, confiscation and possible obliteration of whatever little remains of the erstwhile vast estate of the Late Zerubaberi Kyamagwa.

If this Court were to allow this suit it would be rewarding the Plaintiff's attempts at primitive accumulation of undeserved wealth leading to unjust enrichment.

This Court would be blessing the confiscation of an entire estate including the desecration of burial grounds by a stranger.

This Court cannot be party to the Plaintiff's underhand dealing. As a result the Plaintiff's suit is dismissed with costs.

The Defendant's Counter-claim is allowed in full.

The Court declares that the Letters of Administration earlier granted to the Plaintiff be revoked and her name struck off. Her co-administratrix Nkizi and Nabadda named as administrators shall be granted Fresh Letters and may continue to administer on behalf of the estate of the late Samuel Kayondo Ndaula.

It is further Declared that the Plaintiff's sale of the land comprised in Kibuga Block 4 Plot 502 is illegal. The said land in Kibuga Block 4 Plot 502 belongs to the estate of the Late Zerubaberi Kyamagwa.

An ORDER of vacant possession is made as regards Kibuga Block 4 Plot 502.

A permanent Injunction Doth issue against the Plaintiff restraining her, her agents, servants and all person acting on her behalf and deriving title from her from selling, transferring, constructing, accessing or in any other way benefitting from land comprised in Kibuga Block 4 Plot 502.

It is hereby ordered that the following titles be cancelled;

Kyaddondo Block 220 Plot 1817, 1419, 723, 1062, 1060, 1059 and 920 which titles were illegally registered in the names of the Plaintiff and her children.

It is further ordered that Kyadondo Block 220 Plots 613, 623, 625, 740, 746, 751, 9607, 1730 and 1736 revert back into the names of the administrators of the late Zerubaberi Kyamagwa.

It is hereby declared that the land at Busiuro Block 282 Plot 14 belongs to the estate of the late Zerubaberi Kyamagwa.

Consequently the Registrar of Titles is hereby ordered to cancel the names of the current Registered proprietor of the land comprised in Busiuro Block 282 Block 14 and to replace him with the names of the Administrators of the estate of the late Zerubaberi Kyamagwa.

For avoidance of doubt and in view of the resurrection of the Will of the late Zerubaberi Kyamagwa the Defendants shall be re-issued with Letters of Administration affixed as “With Will Annexed” and shall be charged to administer the said estate according to the Will of the late Zerubaberi Kyamagwa. Their current Letters of Administration shall only be revoked upon the signing of fresh Letters “With Will annexed”.

All the Land Titles belonging to the estate of the Late Zerubaberi Kyamagwa whether deposited in Court or in the custody of third parties shall revert back to the true administrators of the estate of the late Kyamagwa to wit-the Defendants.

General Damages of UGX 60,000,000/= for inconvenience and loss caused to the Defendants are hereby awarded to the Defendants.

Interest shall be calculated at Court rate commencing from the date of the suit until payment in full.

Catherine Bamugemereire

Judge

23rd Dec 2014