

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
FAMILY DIVISION
ORIGINATING SUMMONS NO. 05 OF 2016
ARISING FROM PROBATE ADMINISTRATION CAUSE NO 218/1988
IN THE MATTER OF THE SUCCESSION ACT CAP 162
AND
IN THE MATTER OF THE ESTATE OF THE LATE L. KAMUGUNGUNU
AND
IN THE MATTER OF AN APPLICATION BY SAM RUTEGA, THE ADMINISTRATOR
OF THE SAID ESTATE, FOR THE APPOINTMENT OF PHILIP KAMUGUNGUNU,
JOSHUA MUVUMBA AND GORDON MUGUME AS CO ADMINISTRATORS
JUDGEMENT

BEFORE HON. LADY JUSTICE PERCY NIGHT TUHAISE

This suit was brought by way of Originating Summons (OS) under section 33 of the Judicature Act cap 33, section 98 of the Civil Procedure Act cap 71, Order 37 rules 1(h), 2(a) & (b), 7, 8, 10, 11 and 12 of the Civil Procedure Rules SI 71 – 1. The application is supported by the affidavit sworn by the applicant **Sam Rutega**, and declarations sworn by **Philip Kamugungunu**, **Gordon Mugume** and **Joshua Muvumba**. The OS is for determination of the following questions related to the estate of the late L. Kamugungunu:-

1. Whether **Philip Kamugungunu**, **Joshua Muvumba** and **Gordon Mugume** ought to be joined and appointed as co administrators in the said estate in addition to and together with the existing administrator?
2. If so whether the grant of administration in the above cause ought to be amended to accordingly include the names of **Kamugungunu**, **Joshua Muvumba** and **Gordon Mugume** as administrators?
3. If so whether the costs of this application ought to be provided for?

The grounds of the application, as contained in the supporting affidavit of **Sam Rutega** (applicant), are briefly that the applicant was among the five executors of the will of **L. Kamugungunu** (deceased); that the executors petitioned for and were granted letters of administration to the estate of the late **L. Kamugungunu** on 19th July 1988 vide Administration Cause No 218/1988; that all the other administrators, namely **Alfred Mutashwera**, **Geresom**

Kamomo, William Katondwaki and **Musa Kyambu** have since died before completing the administration and winding up the estate; that the applicant and the family of the deceased would like to have additional administrators to replace the deceased administrators to participate fully in the administration of the estate comprising of properties in Kiruhura, Mbarara and Sheema Districts; and that **Kamugungunu, Joshua Muvumba** and **Gordon Mugume** are sons and grandsons of the deceased and are in a position to participate fully in the administration of the estate with the applicant.

The applicant was represented by learned counsel Samuel Kakande, who, relying on the applicant's affidavit and declarations, submitted that the application should be granted.

The applicant's sworn affidavit and the sworn declarations of the three proposed administrators show that the proposed administrators agree with the application and are aware of the duties of the administrators. Their evidence is further supported by documents on record including certified true copies of the grant in Administration Cause No. 218/1988, minutes of the meeting concerning execution of the will of the late **L. Kamugungunu** and its English translation, plus the death certificates of **Alfred Mutashwera, Geresom Kamomo, William Katondwaki** and **Musa Kyambu** the four deceased administrators of the estate of the late **L. Kamugungunu**.

On basis of the evidence adduced before court, and the applicable laws, the questions in the OS are therefore determined as follows:-

1. **Philip Kamugungunu, Joshua Muvumba** and **Gordon Mugume** ought to be joined and appointed as co administrators in the said estate in addition to and together with the existing administrator.
2. The grant of administration in the above cause ought to be amended to accordingly include the names of **Kamugungunu, Joshua Muvumba** and **Gordon Mugume** as administrators.
3. The applicant will meet the costs of this application

Dated at Kampala this 2nd day of March 2017.

Percy Night Tuhaise.

Judge.