

THE REPUBLIC OF UGANDA

45 IN THE HIGH COURT OF UGANDA AT KAMPALA

(FAMILY DIVISION)

MISCELLANEOUS APPLICATION NO. 578 OF 2023

48 ARISING FROM HCT-00-FD-AC-1306 OF 2021

NABASUMBA OLIVIA ::: APPLICANT

VERSUS

BASEMERA STEPHANIE KAROZI & 2 OTHERS ::: RESPONDENTS

BEFORE: LADY JUSTICE DR. CHRISTINE A. ECHOOKIT

54 RULING

1.0. INTRODUCTION

57 This application is brought under S.33 of the Judicature Act, S.278 (I) of the Succession Act and O.52 rr 1 and 2 of the Civil Procedure Rules for orders that the Court grants leave for the Applicant to file the true inventory and account of the estate of the late Stephen Karozi out of time.

60 The application is supported by the affidavit of Nabasumba Olivia, the Applicant. The grounds of the application are briefly that;

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1. The late Stephen Karozi died on 11/6/2021.
 2. Letters of Administration vide Administration Cause No. 1306 of 2021 were granted on 15/12/2021 to the Applicant.

- 66 3. The three respondents and the Applicant are the only beneficiaries to the estate of the late Stephen Karozi.
4. The 3 Respondents are minors.
- 69 5. The Applicant was unable to file the true inventory and account of the estate of the late Stephen Karozi within the stipulated time frame due to delays in investigations of NSSF as they verified the information about the deceased.
- 72 6. The NSSF verifications were concluded beyond the 6 months in which the inventory was to be filed.
- 75 7. The Applicant intends to file the true inventory and accounts of the estate of the late Stephen Karozi, showing the distribution of his property.
8. It is just and fair that the Court grants the Applicant leave to file the true inventory and account of the estate of the late Stephen Karozi.

2.0. REPRESENTATION AND HEARING

78 The Applicant and the Respondents were represented by Counsel Dan Busingye. The Applicant and the Respondents were in Court.

3.0. ISSUE FOR DETERMINATION BY THIS COURT

- 81 1. Whether leave to file an inventory out of time should be granted to the Applicant.

4.0. DETERMINATION OF THE ISSUE BY THIS COURT

84 I have read the application and the affidavit in support of Nabasumba Olivia the Applicant. I have also listened to the oral submissions of Counsel and referred to the written submissions as well. I have put questions to the Respondents in regard of whether they are in school and if their fees are being paid by the Applicant who is also their mother. They responded in the affirmative.

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S.33 of the Judicature Act empowers Court to grant such remedies as are necessary for the determination of issues before it. S.278 (I) of the Succession Act is on filing of inventory within 6 months from grant of Letters of Administration.

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93 The Applicant in her affidavit in support of the notice of motion states that she was prevented from filing an inventory within time because she was still sorting out the issue regarding survivors' benefits from NSSF. NSSF was verifying information about the deceased.

96 In her oral testimony before Court, the Applicant stated that NSSF had requested her to provide baptism cards for the Respondents; and that later on, approximately a year after she first went to NSSF, they accepted birth certificates of the Respondents.

99 Counsel relied on the case of **Hadijah Ndagire and Hajat Farida Ndagire Vs Mohammad Kasozi and 15 others, Civil Suit No. 40 of 2014** on extension of time for filing an inventory at the application of the Applicant. If Court is persuaded by the Administrator's grounds for extension of time, it may grant the application.

102 In the circumstances of this matter, I find that the Applicant has provided sufficient reasons for extension of time to file an inventory. Indeed, it will be in the interest of the estate that the inventory is filed. I have seen a copy of the draft inventory as presented to Court today. It is apparent that the Applicant is ready to file it.

105 **5.0. CONCLUSION**

In the premises, I order that;

- 108 a) Leave to file a true inventory and account of the estate of the late Stephen Karozi out of time is granted.
- b) The inventory must be filled within 3 months from this ruling.
- 111 c) I make no order as to costs.

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Justice Dr. Christine A. Echookit
20/9/2023 at 12:50pm.