

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
(LAND DIVISION)

MISC. APPLICATION NO 1426 OF 2020

(Arising from Civil Suit No. 783 of 2019)

KIKONYOGO DANIEL -----APPLICANT

V

1.NANSUBUGA REMMY (ALIAS NANSUBUGA HALIMA)

2.BAKKIDDE & HANNAN ADVOCATES-----RESPONDENTS

Before: Hon. Lady Justice Olive Kazaarwe Mukwaya

RULING

I have perused the application and affidavit in support and affidavit in reply. It is unfortunate that the 1st Defendant/ Respondent, Ms. Nansubuga Remmy (Alias Nansubuga Halima) died after this suit was instituted against her by the Plaintiff/Applicant. Having learnt of her death and being aware of it, it was improper for the Applicant to bring this motion against a deceased person. I agree with the 2nd Respondent on this point.

Secondly, it was also improper for the Applicant to join M/S Bakidde & Hannan Advocates as 2nd Respondent in this matter because their role is and has always been legal representatives/advocate to the deceased 1st Respondent and nothing more.

This application is not sustainable. Before I take leave of the matter, I would like to draw the Applicant's attention to the role the Administrator General under the Administrator General's Act Cap 157 which includes inter alia, the management of the estate of persons who die intestate. The Applicant may consider seeking redress along those lines in order to conclude the prosecution of this suit.

S.4 (5)(a) of the Administrator General's Act provides as follows;

Notwithstanding subsection (4)-

(a) *when the peculiar circumstances of the case appear to the court so to require, for reasons recorded in its proceedings, the court may if it thinks it fit, of its own motion or otherwise, after having heard the Administrator General, grant letters of administration to the Administrator General or to any other person even though there are persons who, in the ordinary course, would be legally entitled to administerand for this purpose may call in and revoke any grant of probate or letters of administration previously made by the court.*

Otherwise the application as it stands against the 1st & 2nd Respondents is dismissed with costs to the 2nd Respondent.

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Olive Kazaarwe Mukwaya

Judge

31st March 2021

Delivered by email to Counsel for the Applicant and the Respondent.