

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA HOLDEN AT MASINDI**  
**MISCELLANEOUS CAUSE NO. 10 OF 2020**

**KYOMUGISHA SHARON ANGELLA ::::::::::::::::::::::::::::::::::: APPLICANT**  
(Suing through her Attorney Sam Katuba Kiwanuka)

**VERSUS**

**KASEGU RICHARD ::::::::::::::::::::::::::::::::::: RESPONDENT**

**RULING**

**BEFORE: HON. JUSTICE BYARUHANGA JESSE RUGYEMA**

- [1] This is an application by the **Applicant, Kyomugisha Sharon Angella** (suing through her Attorney Sam Katuba Kiwanuka) under **Section 98 CPA, S.222 of the Succession Act**, and **O.52 rr. 1 & 2 CPR** for orders that letters of administration of the estate of the late **Peter Kikomberwa Kasegu** be granted to **Kasegu Richard** as a legal representative of the said deceased for purposes of registration of the land /suit property and transferring the already distributed properties to the respective beneficiaries and costs of the application be provided for. The application is supported by the affidavit of **Sam Katuba Kiwanuka** her lawful Attorney.

**Background of the Application**

- [2] The Respondent sold to the Applicant **Kyomugisha Sharon Angella**, a piece of land that was arising from his share of his late father **Peter Kikomberwa Kasegu's** estate as per the sale agreement dated 21-12-2017 (**annexture "B" to the application**). That piece of land sold by the Respondent was part of the titled land comprised in **LRV 1611, FOLIO 6 AT KITUMU KYARUBANGA, BURULI, PLOT NO.10, BLOCK 9 MASINDI** registered in the names of the late **Peter Kikomberwa Kasegu**.

- [3] Upon demise of the late **Peter Kikomberwa Kasegu**, the widow **Kasegu Dorothy Nyakamadi** (now deceased) was appointed the administrator of the estate. The widow as an administrator distributed the estate to the beneficiaries and after distribution, a survey and subdivision of the said estate was done. However, before the transfer of the estate to the respective beneficiaries was concluded, the administrator **Kasegu Dorothy Nyakamadi** passed on (copies of the letters of administration to the widow, the distribution to the beneficiaries and inventory are annexures “C”, “D” and “E” respectively).
- [4] After allotment of shares to the beneficiaries, the **Respondent** sold part of his share to the **Applicant** and since the Administrator of the estate **Kasegu Dorothy Nyakamadi** died, no one came out to take up the administration of the estate to complete the transfer process of the estate to the beneficiaries including the **Respondent**. The **Applicant** filed the instant **Misc. Cause** application for the **Respondent** to be appointed the legal representative so that he is able to conclude the transfer process of his share to the Applicant.
- [5] The **Respondent** was duly served with the application but did not respond. The issue for determination in this application is therefore, **whether the Respondent can be appointed by this court as an administrator for purposes of concluding the transfer process of the share he sold to the Applicant.**
- [6] Counsel for the Applicant **Mr. Lubega Willy** of **M/s Lubega, Babu & Co. Advocates, Kampala** submitted that the parties/beneficiaries entered into a consent agreement and the land comprised in **LRV 1611, Folio 9, Plot 10 Kitumu** in the names of the deceased **Peter Kikomberwa Kasegu**, was successfully allotted to the beneficiaries including the Respondent (annexures **D1, G1, - G5**). The **Respondent** sold to the

**Applicant** part of his share and in the absence of a legal representative of the estate following the death of the administrator/widow, counsel contended that it is in the interest of justice that this application be granted and the **Respondent** is appointed by this court as the legal representative of the said estate for purposes specifically having his names registered on the mother title so that he concludes the transfer to the beneficiaries who include the **Applicant**.

- [7] In the instant case, it is the uncontroverted evidence of the **Applicant** as per his affidavit in support of the Application, that the **Respondent** is a son and one of the beneficiaries to the estate of the late **Peter Kikomberwa Kasegu** and his widow a one **Kasegu Dorothy Nyakamadi (now also deceased)**, was appointed administrator of the estate (**Annexure “C”**). During her administration, the widow distributed the estate of the beneficiaries including the Respondent as per the filed inventory (**Annexure “E”**) and the subsequent court consent order (**Annexure “D1”**).
- [8] The widow **Kasegu Dorothy Nyakamadi** unfortunately died before the transfer of the estate to the respective beneficiaries was concluded. The **Respondent** was given a portion of land comprised in **LRV 1611 Folio 9, plot 10, Kitumu** and sold part of it as his share to the **Applicant** but the mother title was still in the names of his late father **Peter Kikomberwa Kasegu** and as a result, the Applicant cannot get a certificate of title for the land she bought from the Respondent when no family member of the late **Peter Kikomberwa Kasegu** and the widow the late **Kasegu Dorothy Nyakamadi** has come up to be appointed a legal representative to conclude the transfer.
- [9] I find that in the scenario above, it is in the interests of justice, for the benefit of the applicant and also other beneficiaries of the estate of the

late **Peter Kikomberwa Kasegu**, the application is granted to enable the Respondent be registered as the administrator on the mother title **LRV 1611 Folio 9, plot 10 Kitumu** for conclusion of the process of distribution of the estate to the beneficiaries by way of effective transfers.

- [10] In the premises, I grant the application. The **Respondent** is appointed the legal representative of the estate of the late **Peter Kikomberwa Kasegu** with **limited letters of administration** under **S.221 Succession Act**. The section provides thus;

*“where a person dies, leaving property of which he or she was the sole or surviving trustee, or in which he or she had no beneficial interest on his or her account and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to that property, may be granted to the person beneficiary interested in the property or to some other person, or to some other person on his or her behalf.”*

- [11] The Respondent is in the premises appointed the legal representative of the estate of the late **Peter Kikomberwa Kasegu** with limited letters of administration for purposes of specifically having his names registered on the land title comprised in **LRV 1611, Folio 6 at Kitumu, Buruli, Plot No.10 Block 9, Masindi** for conclusion of the transfer to the Applicant and other beneficiaries.

No order as to costs.

**Dated at Masindi this 16<sup>th</sup> day of March, 2022.**

**Byaruhanga Jesse Rugyema**  
**JUDGE.**