

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA

CV-CIVIL SUIT NO. 292 OF 2002

1. JOSEPH KAZUMURA

2. MUJUNI JOSEPH ::::::::::::::::::::::::::::::::::::::: PLAINTIFFS

Versus

JOVIA KYATUHAIRE ::::::::::::::::::::::::::::::::::::::: DEFENDANT

i

BEFORE: HON. MR. JUSTICE V. A. R. RWAMISAZI-KAGABA

J U D G M E N T

The first and second plaintiffs in this case are father and brother to the late Natukwasa Alex (deceased) while the defendant is the widow of the deceased. The defendant sought to stop the court granting letters of administration which the plaintiffs had applied for as father and brother of late Alex Natukwasa under Administration Cause No. 325/2002 by lodging a caveat against the grant. The defendant claimed to be the widow while the plaintiffs denied this and sought, through the present suit, to have the caveat vacated by the defendant.

Maxim Mutabingwa appeared for the plaintiffs while Anthony Ahimbisibwe appeared for the defendant.

On the 20/1/2003 the parties agreed to settle the case on the terms set out in the memorandum of settlement recorded by the court under Order XII rule 7 of the Civil Procedure Rules.

See: Khimji vs. Bakari (1968) EA 685 (K)

Judgment is therefore entered for both the plaintiffs and the defendant on the following agreed terms:

- a) That the caveat filed by the defendant against the grant of letters of administration in Administration Cause No. 325/2002 be vacated.
- b) That the letters of administration to the estate of Natukwasa Alex be granted to the plaintiffs.
- c) That the following properties, to wit, a double-decker bed, bookshelf, the books in the bookshelf and the camera in the defendant's possession be handed over to the second plaintiff, Mujuni Joseph.
- d) That motor - vehicle- registration No. UAD 070K shall be retained and owned by the defendant, and the same (vehicle) shall be registered in her names.
- e) That the unregistered plot of land at Nansana-West - (2) LC 1, measuring fifteen feet by forty-five feet (15' x 45') shall be owned by the defendant.
- f) That the defendant shall pay to the plaintiffs (jointly) Shs. U. 1,500,000/- (Shillings one million, five hundred thousand only) on or before the 20th day of February 2003.
- g) That, although the house at Nansana - West 2 zone, in which the deceased Natukwasa Alex, lived and cohabited with the defendant, is not the subject of and an issue-in this suit, the same shall be owned by the defendant, as a sole owner and to the exclusion of any other person or claimant.
- h) That each party to this suit shall be his or her own costs.

Dated at Kampala, the 20th day of January 2003.

V. A. R. RWAMISAZI-
KAGABA J U D G E
20/1/2003