

THE REPUBLIC OF UGANDA

IN THE HIGH COURT OF UGANDA AT FORT PORTAL

CIVIL SUIT NO. 74 OF 2019

1. CYPRIAN RWAHERU

2. KATEEBA POLLY

(Executors of the will of the late Kuguma Muhammad)

3. ZAINABU KUGUMA

4. ZAINABU KUGUMA : PLAINIFFS

VERSUS

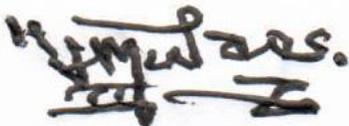
RWAMBALE KADHIRI : DEFENDANT

BEFORE: HON. JUSTICE VINCENT WAGONA

JUDGMENT

Introduction:

The plaintiffs brought this suit as executors of the late Kuguma Muhamad seeking orders that: the letters of administration granted to the defendant over the estate of the late Muhammad Kuguma vide Admin Cause No. 074 of 2019 be revoked on grounds of fraud and illegality; a declaration that the 1st and 2nd plaintiffs are the ones entitled to obtain letters of probate to the estate of the late Kuguma Muhammad; a declaration that the letters of administration to the estate of the late Kuguma Muhammad were procured fraudulently; a permanent injunction restraining the defendant from undertaking any further dealings in the estate of the late Kuguma Muhammad; general damages and costs of the suit.



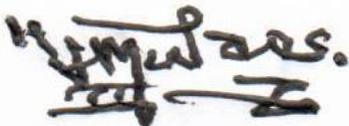
The case of the Plaintiffs:

3 Kuguma Muhammad died testate on 30th August 2018 and was survived by 42
children and his last will and testament provided for the 1st and 2nd plaintiffs as his
executors. The will was read during his funeral to the children. About August 2019,
6 the defendant without the consent and knowledge of the plaintiffs and other
beneficiaries mooted a move to grab the estate property and embarked on the process
to obtain letters of administration well aware that there was a will. The other
9 beneficiaries wrote to the CAO of Kabarole in opposition to his being granted a
certificate of no objection but the defendant went ahead and secured a certificate of
no objection. After securing the letters of administration, the defendant started
12 grabbing estate property and administered the same according to his wishes and
desires in clear contravention of the will.

The grant was obtained fraudulently to wit: applying for grant of letters with
knowledge of the existence of the will; misrepresenting to the Administrator General
15 and court that the deceased died intestate; forging family minutes and ignoring the
dictates of the will.

The case of the Defendant:

18 The defendant lawfully applied and was granted letters of administration over the
estate vide Admin Cause No. 0074 of 2019 after being chosen by the family
members and was granted a certificate of no objection on 15h October 2019. He has
21 properly managed the estate property, renovated premises at Kitumba Trading
Centre and opened up a bank account in Centenary Bank. The late Kuguma died
intestate and the will relied upon was unknown to the defendant and the family and
24 was a concoction by the 2nd plaintiff and the minutes presented are forged.

A handwritten signature in black ink, appearing to read 'Kuguma M. Muhammad', is written over a horizontal line.

Issues:

1. **Whether the late Kaguma Muhammad died testate.**

3 2. **Whether the defendant fraudulently obtained letters of administration to the estate of the late Kaguma Muhammad.**

3. **What remedies are available to the parties?**

6 **Representation and hearing:**

Mr. Songon Mustapha of M/s Songon & Co. Advocates appeared for the plaintiffs while **Mr. Bwiruka Richard** appeared for the defendant. Both counsel filed written
9 submissions which I have duly considered.

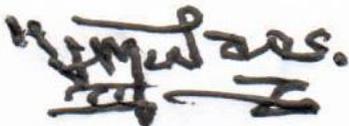
Witnesses:

The plaintiffs relied on the evidence of Polly Kateeba (PW1), Rwaheru Cyprian
12 (PW2), Zaintuna Kuguma (PW3), Elizabeth Isahura (PW4), Tinkasimire Florence (PW5), Zainabu Kuguma (PW6), Sight Kateeba George (PW7), Ateenyi Beatrice Basemera (PW8), Agaba Kuguma (PW9).

15 The defendant on the other hand relied on the evidence of Rwambale Khadhiri (DW1), Kisembo Micheal (DW2), Madina Nyangoma (DW3), Beatrice Kembabazi (DW4) and Komuhendo Moreen (DW5).

18 **Burden and standard of proof:**

The plaintiffs bear the burden to prove their claim on the balance of probabilities. Section 101 of the Evidence Act is to the effect that whoever desires any Court to
21 give judgment as to any legal right or liability dependent on the existence of facts which he or she asserts must prove that those facts exist. Therefore the legal burden to prove a claim before court rests upon the plaintiff while the evidential burden per



section 103 of the Evidence Act keeps oscillating to the parties who allege a fact to prove such fact. (See also *Kamo Enterprises Ltd Vs. Krytalline Salt Limited, SCCA No. 8 of 2018*).

Resolution:

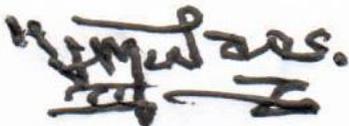
PRELIMINARY POINT OF LAW RAISED BY THE DEFENDANT:

6 Submissions for the Defendant:

The plaintiffs have no cause of action against the defendant. For the plaintiffs to prove that they have a cause of action they must demonstrate that they enjoyed a right, which right was violated and the defendant is responsible for the violation to be entitled to the reliefs claimed. (See *National Water and Sewerage Corporation v Sam Magezi & others, HCT – 01 – LD – CS – 018 of 2021*).

Section 2 of the Succession Act defines an executor as a person(s) appointed in the last will of a deceased person to execute the terms of the will. The 1st and 2nd plaintiffs under paragraph 1 of the plaint stated that they brought this suit as executors of the last will of Kaguma Muhammad. In the will (PE1), 8 persons are named as elders and two were inserted by pen. The will does not name the 1st and 2nd plaintiffs as executors but as elders as such they did not enjoy any right which was violated by the defendant to be clothed with a cause of action. For the 3rd and 4th plaintiffs, they were notified of the meeting where the defendant was appointed as a fit and proper person to be granted letters of administration and they refused to attend. As such they have no cause of action against the defendant.

Submissions for the Plaintiff:



The 1st and 2nd plaintiffs were named as executors in the will of the late as such they have locus and cause of action against the defendant. For the 3rd and 4th plaintiffs, these are widow and child of the late who are beneficiaries under the estate as such they have the required locus standi and do have a cause of action against the defendant.

CONSIDERATION BY COURT:

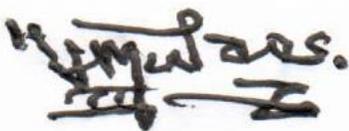
The point of law encompasses locus standi and cause of action.

Locus standi in *Law society of Kenya Vs. Commissioner of Lands and others, Civil case no. 464 of 2000*, was defined thus: “*Locus standi signifies a right to be heard, a person must have sufficiency of interest to sustain his standing to sue in court*”.

In *Dima Enterprises Poro Vs. Inyani Godfrey, Civil Appeal No. 17 of 2016*, Justice Mubiru described locus thus: “*The terms locus standi literally means a place of standing. It means a right to appear in court and conversely to say that a person has no locus standi means that he has no right to appear or be heard in a specified proceeding*”.

Locus standi connotes the legal capacity of a claimant or a party to a suit to originate or maintain a claim at law. Locus standi goes beyond a claimant’s legal status. The claimant must demonstrate that he or she has ‘direct or sufficient interest’ in the subject matter which in my view could be legal or equitable. The term ‘sufficient interest’ in my view relates to among others, the foreseeable loss which a party is likely to suffer if such a legal claim is not entertained or heard by a court of law or tribunal.

A person has locus standi if he or she can prove that he or she is directly affected by the act or omission in question or whether the applicant has a real stake in the validity

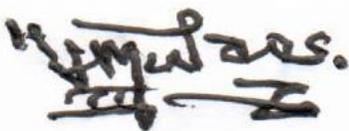


of such act or omission. The need for sufficient interest prevents “abuse by busybodies, cranks and other mischief makers” (see *Regina v. Inland Revenue Commissioners, exparte the National Federation of Self-Employed and Small Businesses* [1982] AC 617; [1981] 2 All ER 93; [1981] 2 WLR 722; [1981] 1 WLR 793). In *quick Enterprises Ltd Vs. Railways Corporations, Kisumu High Court Civil Case No. 22 of 1999* it was held that a suit by a person without locus standi, a suit is none existent law.

Cause of action on the other hand connotes every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court. It does not comprise every piece of evidence which is necessary to prove each fact, but every fact which is necessary to be proved. (*See Gladys Nduku Nthuki Vs. Letshego Kenya & Anor, Kenya High Court Civil Suit No. 007 of 2021.* In *Kusum Ingots & Alloys Ltd. v. Union of India, (2004) 6 SCC 254*) the Supreme Court of India interpreted the term '*cause of action*' to mean "every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the Court". It is that bundle of facts which, taken together with the applicable law, entitles the plaintiff to relief against the defendants."

For one to satisfy court that he or she has a cause of action, he or she must plead facts in the plaint which if proved would entitle him or her to judgment in respect of the claim in the plaint. The plaintiff must prove that he enjoyed a right which is protected by statute, common law or equity, that that right was violated and that the defendant is responsible for such violation to entitle him or her to the reliefs sought. (*See Tororo Cement Co. Ltd vs Frokina International Ltd SCCA No. 2 of 2001.*)

In ascertaining whether a plaint discloses a cause of action or not, court should limit its self to the plaint and the annexures thereto and nothing more or nothing less. (*See*

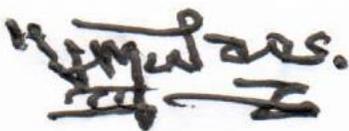


Kebirungi vs. Road Trainers ltd & 2 others [2008] HCB 72. This is because a party's claim against the defendant must be disclosed in the plaint and not any other subsequent pleadings. A party for instance cannot claim that the cause of action is well pleaded in the reply to the written statement of defense since a reply is not a pleading that commences an action in law. (*See Mwesige Richard v Kazooba Peter & 2 others, HCCS No. 036 of 2022*).

In *Yaya Towers Limited vs. Trade Bank Limited (In Liquidation) Civil Appeal No. 35 of 2000* court expressed itself thus: “*No suit should be summarily dismissed unless it appears so hopeless that it is plainly and obviously discloses no reasonable cause of action and is so weak as to be beyond redemption and incurable by amendment.*”

In this case the interest pleaded by the 1st and 2nd plaintiffs is that they are executors of the will of the late Kuguma Muhammad. In the will (PE1), the 1st and 2nd plaintiffs and 6 others were named as ‘abakuru’ of the late Kaguma Muhammad. At hearing, the 1st plaintiff (PW1) stated that the word ‘abakuru’ means elders and those who are meant to implement the wishes of the late. PW2 on the other hand testified that ‘abakuru’ in Rutooro means elders or caretakers of the home or those appointed to solve problems in the family. In the will (PE1), it is stated that “*nasiga abakuru beka enu*’ translating into the ‘*elders of this home*’. In my evaluation the word ‘**abakuru**’ in Rutoro means elders and not executors of a will.

I find that since the 1st and 2nd plaintiffs are not executors, they lack the locus to bring this suit against the defendant in that capacity. They lack direct or sufficient interest in the estate recognizable at law that would vest them with locus to file this claim against the defendant. I agree with Counsel Bwiruka that the 1st and 2nd plaintiff have no locus standi and thus consequently cannot point at any right they



enjoyed in the estate which was breached by the defendant to vest them with a cause of action. They thus to that end also have no cause of action against the defendant. I thus strike out the 1st and 2nd plaintiffs from this suit.

For the 3rd and 4th defendants, they indicated under paragraph 2 of the plaint, that they brought the suit in the capacity as daughter and widow of the late Kuguma Muhammad and thus beneficiaries under the estate. It is settled law that a beneficiary enjoys a right to bring any claim at law intended to protect the estate to which he or she is entitled. A beneficiary has a right to challenge the legality of the actions of the administrator. (See: *Musabe Edwin & Anor v Keti Kabanyoro, HCCS No. 28 of 2021 & Nurdin Katende v Yunus Kabugo & 4 others, Civil 20 Suit No. 364 of 2012*).

In this case, since the 3rd and 4th defendants are beneficiaries under the estate who prima facie are entitled to a share therein, I believe they have sufficient interest in the estate and have the required locus standi and cause of action against the defendant against whom they challenge the legality of the process through which he was appointed as an administrator of the estate of the late Kuguma Muhammad.

The point of law succeeds as against the 1st and 2nd plaintiffs who are struck out and fails against the 3rd and 4th plaintiffs.

Issue No. 1: Whether the late Kaguma Muhammad died testate.

Submissions for the Plaintiff:

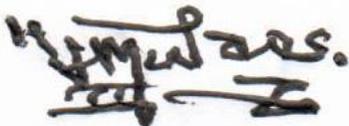
The plaintiff led evidence through PW1 (Rwaheru Cyprian) who gave an account on how the will was executed and that he attested to the same in the presence of the late. His testimony was not challenged in cross examination and was corroborated by that of PW7 (Kateeba Sight George) and the Court Witness (Rubongoya Patrick) who

also witnessed the will. The defendant also conceded that the will was read in his presence. He thus invited me to find that the late Kuguma Muhammad died testate.

3 **Submissions for the Defendant:**

In reply, Mr. Bwiruka disputed PE1 and asserted that PW1, Kateeba Polly in cross examination admitted that he did not sign on the will. That the will also indicates
6 that it was made on 21/7/2018 and the alleged signature of the deceased was put on 24/7/2018. That PW1 also admitted inserting the word ‘Abagweri’ on the first page cancelling the word ‘abeeri’. That he also stated that the testator did not sign each
9 page and he did not see him sign on the same. That in cross examination PW7 indicated that he was added to the executive committee by PW1 and PW2 and he never saw the deceased sign the will as PW7 signed later. That the court witness
12 states that he found the deceased when he had already signed the will.

It was pointed out that there were also contradictions in the evidence on record. That PW1 stated that when he was called home, there was no body but later saw PW7 and
15 the court witness Rubongoya coming. PW7 on the other hand says he found PW1 and CW1 at home. CW1 stated that he came on his own and was requested to sign the will by the deceased. That these contradictions point to untruthfulness on the
18 witnesses regarding PE1 and thus court should not believe the same. That the alleged witnesses left out so many children of the late and the alternations made by PW1 all prove that the will was not attested in the manner required under the Succession Act
21 and thus invalid. That court should also examine the conduct of PW1 who after reading the will kept the same and refused to take it to the Chief Administrative Officer or Administrator General. That the defendant made a complaint to police and



that PW1 after being summoned by the Administrator General declined to attend. It was contended that deceased did not leave a valid will.

3 **Rejoinder submissions for the Plaintiff:**

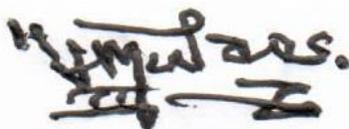
The will was executed in compliance with section 50 of the Succession Act. None of the defense witnesses disputed the signature of the deceased. The contradictions pointed out by Mr. Bwiruka are minor. The will was properly attested and is valid.

CONSIDERATION BY COURT:

Section 50 of the Succession Act Cap 162 as amended details the manner in which a will is to be executed. Section 50 (a) is to the effect a will must be in writing and the testator should sign or affix his or her mark on the will or under his or her directions in his presence. Section 50 (c) requires that the will must be attested by two or more witnesses, each of whom must have seen the testator sign or affix his or her mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his or her signature or mark, or of the signature of that other person; and each of the witnesses must sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary.

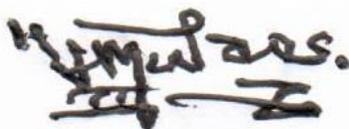
A will must be properly executed in accordance with Succession Act. Therefore evidence of its execution and attestation should be clear and consistent. Proof of a will is by the attesting witnesses who saw the testator sign on the will.

PW1 (Polly Kateeba Achaali) stated that he found the deceased holding a document that he said was his will and handed it to PW1 saying PW1 was the chairperson of



the executors/trustees committee that he was leaving behind to oversee and manage his home. That shortly he saw Sight Kateeba (PW7) and Rubongoya Patrick (CW1) coming in. That the will was signed by the deceased himself in their presence and the deceased stamped it with the L.C I stamp since he was the chairperson L.C.1 and later asked the three of them to sign. That after signing, he told PW1 to keep it. PW1 testified that the late Kuguma died on 30/8/2018. That at the last funeral rites of the deceased at his home on 3/9/2018, PW1 displayed the will in the presence of the people and later he handed it over to the clan head Mr. Cyprian Rwaheeru who did the same. That another will surfaced which was handwritten and authored by Dobbi Andrea and Tony purporting to be for the late and they disregarded it after thorough scrutiny and consultation with other people present. That he read the will in the presence of all the family members and no one objected to it. In cross examination he stated that he did not sign the will but wrote his name. That the will was signed by the late Kuguma Mohamed Atwooki in his own signature and date on 24/7/2018. That another person who signed is Sight Kateeba and Rubongoya. That he only made the alternations on the will on the part of 'Abagweri' which was a typo. PW1 stated that the deceased had told him to add other people on the executor's part and he did; that he (PW1) was appointed an executor because the will used the word Abakuza which translates into an executor or clan leaders; he was not a beneficiary under the will.

PW7 (Sight Kateeba George) also testified that the deceased while still alive, called him to his home where he found him in the company of Kateeba Polly and Rubongoya. That the late requested him, Rubongoya and Polly to sign on his will and handed it over to Polly Kateeba for safe custody. That at the last funeral rites of the deceased, the will was read in the presence of his children. That he did not know



whether Rwaheeru (PW1) signed on the will. That he found when the deceased had signed and put a stamp.

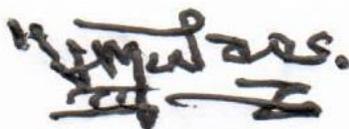
3 **(CWI) Rubongoya Patrick** the court witness stated that he knew the deceased and he signed on his will. That the deceased was a relative and when he went to visit him when the deceased was sick, they met and started talking and before he could leave, 6 the deceased left the sitting room and went to another room of the house and returned with a will in an envelope and told him to sign. In cross examination he stated that he found when the document had been signed by the deceased with two other 9 witnesses. That he did not see the deceased sign. That he knew that the deceased had signed because he saw his name and signature and he was the one in possession of the document. That he did not find other witnesses there. He just signed. That he 12 signed behind and did not see what was on the first page. In further clarification, he said that he did not also read the last page and that the will was not read to the deceased.

15 **PW3 (Zaituni Kuguma)**, a widow to the deceased also stated he left a will. That she identified the will by the known signature of the deceased. In cross examination she stated that she believed the will was for the late husband because it had his 18 signature.

DW1 Rwambale Kadhiri the defendant on the other hand contested the will stating that it did not bear the right signature of the deceased; that the will was a forgery.

21 I will examine the validity of the will in issue under two aspects: (a) manner of execution and attestation, and (b) validity of signature of the deceased on the will.

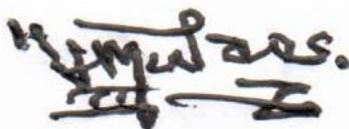
(a) manner of execution and attestation:



Section 50 of the Succession Act requires that a will must be in writing and must be witnessed by two attesting witness who saw the testator sign on the will. PW1 stated that the testator signed in the presence of all the three witnesses. In cross examination he stated that he found when the testator had signed. PW7 stated that he found when the testator had already signed the will. CW1 also stated that he found when the testator had signed. He denied signing in the presence of PW1 and PW2 as stated by PW1. None of the attesting witnesses saw the testator sign. Thus PW1, PW7 and CWI did not qualify as attesting witnesses within the requirement of section 50 of the Succession Act. In addition, there are contradictions as to when the will was signed and witnessed. PW1 stated that he signed the will in the presence of PW7 and CW1 while CW1 says he signed the will when he had gone to visit the deceased and PW1 and PW7 were not present. CW1 did not mention the date on which he signed the said will. I find that the manner of execution and attestation of the will did not satisfy the requirements of Section 50 of the Succession Act in that none of the attesting witnesses saw the testator sign on the will and there are inconsistencies relating to when the said attestation took place.

(b) validity of the signature of the deceased on the will:

DW1 Rwambale Kadhiri, the defendant contested the will stating that it did not bear the right signature of the deceased; that the will was a forgery. An allegation of forgery of a signature places a high burden on the person alleging such fact to prove that indeed the signature in issue is a forged one. In the Kenyan case of ***In re Estate of Samuel NgugiMbugua (Deceased) [2017] eKLR***, it was observed that: ***“The burden of proving forgery lies with the person alleging it. In Elizabeth Kamene Ndolovs George MatataNdolo Nairobi Court of Appeal civil appeal number 128 of 1995 it was stated that the charge of forgery or fraud is a serious one, and the***



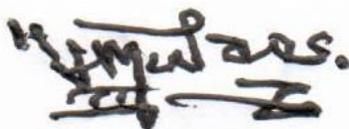
standard of proof required of the allegor is higher than that required in ordinary civil cases.” Further in *Jesse Karaya Gatimu Mary Wanjiku Githinji [2014] eKLR,*

3 the court was of the view that the allegation of forgery placed a heavy burden upon the applicant to prove beyond reasonable doubt, or at least beyond balance of probabilities, that indeed the signatures were forged.

6 In this case, the defendant apart from alleging forgery, he did not lead any evidence to prove the said forgery or to assist court in making a determination and further there was no aid of a hand writing expert. Be that as it may, court will form an
9 opinion regarding the signature attributed to the deceased on the basis of the available documentary evidence. I have examined the will PE1 whose signature is attributed to the late Muhammad Kuguma. PK3 were minutes of a reconciliation
12 between the late Kuguma Muhammad and the defendant on 13/11/2016. Part of PK3 is a letter dated 3/2/2016 written by the late Kuguma Muhammad to the Office Manager, Umeme Fort Portal Office. The said letter was signed and stamped by the
15 late Kuguma. The other is a letter dated 9/1/2015 written by the late concerning one Karungi Harriet which was exhibited as KZ2 attached to the statement of PW3. The said letter was signed by the late Kuguma Muhammad and stamped.

18 The signatures attributed to the deceased in PK3 and KZ2 do match but differ from the signature attributed to the deceased in the will (PE1). This coupled with the evidence that none of the attesting witnesses saw the deceased sign the will, makes
21 me doubt whether the deceased signed the will and leads me to the conclusion that the will is invalid.

Issue No. 2: Whether the defendant fraudulently obtained letters of administration to the estate of the late Kaguma Muhammad.



Submissions for the Plaintiff:

3 The defendant did not involve all the beneficiaries in the process for securing the letters of administration. The introduction letter presented by the defendant from the area chairperson was signed by Mwebesa Francis who was not the area chairperson of Kitumba C; the area chairperson is called Joyce Tumwine.

6 The defendant made a representation that Mr. Agabaissa was involved in the meeting, however he appeared in court and distanced himself from the said meeting and participation in the process. Some of the people involved in the meeting were 9 not family members as such the process was tainted with fraud.

Submissions for the Defendant:

12 All the beneficiaries were involved in the process and those who challenge the grant like PW3, PW4 are beneficiaries of the will that excluded other children. Those other people who attended the meeting were friends of the family that is BunageIddi and Busingye Robert. There are no grounds for revocation of the letters of administration 15 granted to the defendant.

CONSIDERATION BY COURT:

18 Section 234 of the succession Act allows court to revoke a grant where it is established that:

(a) That the proceedings to obtain the grant were defective in substance;

21 *(b) That the grant was obtained fraudulently by making a false suggestion, or by concealing from the court something material to the case;*

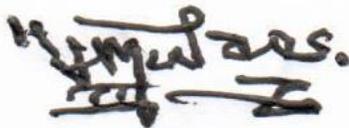
3 (c) *That the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though the allegation was made in ignorance or inadvertently;*

(d) *That the grant has become useless and inoperative through circumstances;*
or

6 (e) *That the person to whom the grant was made has willfully and without reasonable cause omitted to exhibit an inventory or account in accordance with Part XXXIV of this Act, or has exhibited under that Part an inventory or*
9 *account which is untrue in a material respect.*

In the persuasive dicta by Mwita J in *Albert Imbuga Kisigwa vs Recho Kawai Kisigwa Succession Cause No. 158 of 2000* observed that: ***“Power to revoke a grant is a discretionary power that must be exercised judiciously and only on sound grounds. It is not discretion to be exercised whimsically or capriciously. There must be evidence of wrong doing for the court to invoke section 76 and order to revoke or annul a grant. And when a court is called upon to exercise this discretion, it must take into account interests of all beneficiaries entitled to the deceased’s estate and ensure that the action taken will be for the interest of justice.”***

In *Stella Maris Stella Maris Amabilis & Anor v Esther Nabusakala (HCT-00-FD-CS 72 of 2007) [2009] UGHC 21 (23 February 2009)* Justice Ngonda Ntende observed in relation to section 234 of the Succession Act thus: ***“According to section 234(2)(c) of the Succession Act, ignorance or inadvertence does not save the situation. For as long as the allegation was untrue, whether made ignorantly as***



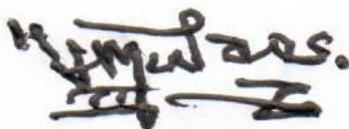
claimed in this case, it is sufficient to annul the grant. On this point alone, I revoke the letters of administration grant to the defendant on 23rd September 2005....”

3 I have observed that the defendant had excluded from the proceedings to obtain the grant, the widows of the late as beneficiaries under the estate, yet the defendant had knowledge that they existed and knew them. Secondly several widows and children
6 were never involved in the process. In this regard the defendant concealed to court the fact that the late left widows. It constituted concealment of an essential fact relevant to the grant. Further the defendant made a representation that all
9 beneficiaries under the estate had consented to him as a fit and proper person to apply for a grant of letters of administration yet some of the beneficiaries were not involved including the widows who were not mentioned as beneficiaries under the
12 estate in the petition. I thus resolve this issue in the affirmative.

Issue No. 3: Remedies available to the parties:

This suit succeeds with the following orders:

- 15 **1. That the 1st and 2nd plaintiffs are struck out as parties to this suit for want of locus standi and cause of action.**
- 18 **2. An order is hereby issued declaring the will dated 21st July 2018 purportedly made by the late Kuguma Muhammad invalid.**
- 3. A declaration that the late Kuguma Muhammad died intestate.**
- 21 **4. The letters of administration granted to the defendant over the estate of the late Kuguma Muhammad in HCT – 01 – FD – AC – 074 OF 2019 are hereby revoked.**



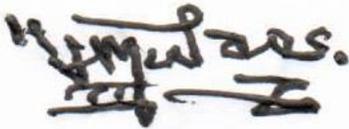
5. The defendant is hereby ordered to surrender the said letters of administration to court within one week from the date of delivery of this judgment.

6. That fresh letters of administration shall be pursued and granted over the estate of the late Kuguma Muhammad following a proper process that includes all beneficiaries.

7. An injunction doth issue restraining any of the beneficiaries of the estate of the late Kuguma Muhammad, their agents or any person from interfering or intermeddling in the said estate pending a lawful process for grant of new letters of administration and distribution of the estate.

8. Since the parties herein are close family members, I order that each party shall bear their own costs.

I so order.



Vincent Wagana.

High Court Judge

FORTPORTAL

DATE: 05/04/2024.

