

Administrator General v Nabayunga Alex and Others (Miscellaneous Application No. 4601 of 2025) [2025] UGHCFD 60 (15 July 2025)

[2025] UGHCFD 60

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1 / 5

- 1) The leave be granted to the applicant to file an inventory and account of time in respect of the estate of the late Mutawe Arthur Daniel Vide AC No.476 of 1990.
- 2) The costs of this application be provided for.

The application is supported by an affidavit jointly sworn by **Simon Peter Muyomba**, the Assistant Administrator General and the holders of Letters of Administration granted vide Administration Cause No.476 of 1990. The grounds of the application are laid out in the application and the affidavit in support of the application but briefly they are the following;

- 1. That there was no follow up by the beneficiaries in the aftermath of the grant to the applicant.
- 2. The omission of the applicant's former officers should not be visited on the beneficiaries.
- 3. That it is in the interest of justice that this application is granted.

Background

Following the demise of the Mutawe Arthur Daniel on 2 nd April 1990, the applicant herein petitioned this court for letters of Administration to administer the estate on behalf of his beneficiaries. The same was granted on 14th December,1990 to the Administrator General by **Hon Justice A. R Soluade**.

That the file since 1990 to date has been re assigned to various officers of the Applicant's office who have left office without being able to execute the mandate of the office given under the grant.

Contrary to the requirements of **Section 273(1)** (formerly section 278(1)) **of the Succession Act** (as amended), the applicant never filed an inventory within the requisite time on account that there were family delays to present titles belonging to the deceased as well as their failure to follow up with the office of the Administrator General and that the beneficiaries of the estate of the late are desirous of taking over the administration of the Deceased's estate but are hampered by the non-filing of an inventory.

Representation

In the instant application, the applicant was self-represented by the Administrator General's Directorate.

Issue for Determination

This court has adopted the main issue as submitted by the applicant which is; *Whether there are sufficient grounds for the applicant to be granted leave to file an inventory out of time.*

Parties' submissions

The applicant submitted that this application is brought under Section 273 (1) of the Succession Act which provides for filing of inventory. It is the applicant's submission that sufficient cause must be advanced to warrant the grant of leave to file an application of this nature. The applicant contended that they have a justified reason for the delayed filing of the inventory beyond the stipulated six months timeline on account that there was no follow-up by the beneficiaries to the estate of the late Mutawe Arthur Daniel with the office of the Administrator General and also the delay by the beneficiaries to present titles belonging to the deceased to the applicant. Therefore, it was the prayer of the applicant that the same be granted.

Resolution

Whether there are sufficient grounds for the applicant to be granted leave to file an inventory out of time.

Section 273(1) (formerly section 278(1)) of the Succession Act (as amended) provides that*:*

"An executor or executrix or administrator or administratrix shall, within six months from the grant of probate or letters of administration, or within such further time as the court which granted the probate or letters may from time to time appoint, exhibit in that court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or executrix or administrator or administratrix; is entitled in that character; and shall in like manner within one year from the grant, or within such further time as the court may from time to time appoint, exhibit an account of the estate, showing the assets which have come to his or her hands, and the manner in which they have been applied or disposed of."

In the case of **Hadijah Ndagire & Anor V Muhammad Kasozi & Ors HCCS No. 40 of 2014**, court stated that, ***the prescribed period for filing an inventory is six months. If the administrator finds herself unable to file the inventory within the prescribed time, she/he is duty bound to apply to the court which issued the grant for extension of time, stating the reasons for her/his inability to perform the required task within the 6(six) months period. The court, if persuaded by the administrator's grounds for extension of time, may grant the application.*** The case of **Molly Kyalikunda Turinawe & others vs Engineer Ephraim Turinawe & Anor – SCCA No. 27 of 2010** provided for the 3 questions to be determined before disposing of an application for extension of time like this one. The said questions are;

- ***1. Whether leave should be granted to the applicant to file an inventory and account of the deceased's estate out of time?***
- ***2. Whether there are sufficient grounds to warrant the Renewal and extension of the letters of administration?***

Similarly, in the case of **Mugo and Ors vs Wanjiru & another** [1970] EA 481 at page 484 it was stated that; "each application must be decided in the particular circumstances of each case but as a general rule, the applicant must satisfactorily explain the reason for delay and should also satisfy court as to whether or not there will be a denial of justice by the refusal or granting of the application" (emphasis on the underlined)*

In the case of **The Registered Trustees of the Archdiocese of Dar es Salam versus the Chairman Bunju Village Government & Ors** which quoted **Gideon Mosa Onchwati versus Kenya Oil Co. Ltd & Anor** [2017] KLR where it was stated,

"it is difficult to attempt to define the meaning of the words sufficient cause. It is generally accepted however, that the words should receive a liberal construction in order to advance substantial justice, when no negligence or inaction or want of bonafides is imputed to the appellant."*

I agree with the definition of sufficient cause stated above. Courts have the discretion to determine what amounts to sufficient cause and in the cases of estate property, the Applicant must show that the reason for the delay in filing an inventory was beyond his or her control and it was not because of negligence or unreasonable delay.

In the instant case, it was deponed in paragraphs 7 -10 that the applicant was prevented from filing the inventory in time because the beneficiaries did not follow up and as a result the file was archived from 1990 to date, during which period various officers were allocated this file without being able to execute their duties. In paragraph 9, it was deponed that the beneficiaries are desirous of taking over administration of the deceased's estate from the applicant.

According to the minutes of the family meeting held before the Kimaanya Kabonera, Masaka City Town Clerk on 3rd April 2025 attached to the affidavit in support of the instant application, the beneficiaries of the deceased's estate have recommended one of the sons of the deceased (Mukasa Wilson Mutaawe) to be granted letters of Administration and equally gave their consent.

I have examined the reasons furnished by the applicant and I am satisfied that the same qualify as sufficient cause to extend time within which to file an inventory, so that the beneficiaries of the deceased are able to take over administration of the deceased's estate from the applicant. I accordingly allow this application with a finding that the present application merits extension of time within which to file an inventory.

In these premises, the Applicant's application succeeds and I hereby order as follows;

- *1) The Application is allowed*.
- *2) The Applicant is granted leave to file the inventory vide Administration Cause No. 476 of 1990 out of time.*
- *3) The applicant is directed to file the updated inventory clearly showing the following;*

- *a) the name of the deceased; date of death; Administration Cause number; Date of Issuance of the Letters of Administration; Names of Administrator; Date of Submission of Inventory.*
- *b) Properties that formed part of the deceased's estate as at the date of death. For immoveable properties, attach certified documentary evidence and for moveable properties, a list with details and*

descriptions. A status update of these properties should be given as at the date of filing of this inventory.

- *c) Credits of the deceased*
- *d) Debts of the deceased*
- *e) List of beneficiaries of the deceased and their National IDs*
- *f) Proposed distribution of properties among the beneficiaries and justification for this proposed distribution i.e. family minutes consenting to the proposed distribution, duly signed by the beneficiaries and the Administrators.*
- *g) For property already distributed before the filing of the inventory, a list of properties distributed and to whom it was distributed among the beneficiaries and a justification for the distribution and proof that the said beneficiary received the same.*
- *4) The said inventory should be filed within three months' days from the date of this Ruling.*

I so order,

Immaculate Busingye Byaruhanga

JUDGE

Ruling delivered on this 15th day of **July, 2025** via ECCMIS

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