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**5 THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA AT KAMPALA
(FAMILY DIVISION) MISCELLANEOUS APPLICATION NO.2533 OF 2025 (ARISING
FROM ADMINISTRATION CAUSE NO. 2220 OF 2016) 101. ALEX SEKALALA 2. ROGER
SEKALALA ::::::::::::::::::::::::::::::::::: APPLICANTS VERSUS 1. SEKALALA
MICHEAL 2. SEKALALA MOSES:::RESPONDENTS 15
BEFORE: HON LADY JUSTICE IMMACULATE BUSINGYE BYARUHANGA**

The application is supported by an affidavit sworn by the 1st applicant **Alex Sekalala** with authorization of the 2nd 30 applicant herein and the holders of Letters of Administration granted vide Administration Cause No.2220 of 2016. The grounds

- 5 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 the applicants applied for letters of administration for the estate of the late Sekalala Ditus Kibalama vide Administration Cause No. 2220 of 2016 and they were granted to them on the 14th day of January,2019.
 - 10 2. The applicants as administrators have sought the consent of the other beneficiaries to extend the period of administering the estate of the late Sekalala Ditus Kibalama soon to expire on the 31st day of May,2025.
 - 3. That the applicants undertook to fulfill the obligations that are required of them as the administrators of the deceased's estate.
 - 15 4. That following the grant of letters of administration, they have been trying to ensure that there is effective distribution of the estate to the beneficiaries of the estate without success as one of the beneficiaries had travelled out of the country.
 - 5. That upon the return of one of the beneficiaries, it was agreed to share the property on Plot 141 Block 262 Makindye, Kampala equally with 25% shares 20 equally.
 - 6. The applicants have managed to transfer the Certificates of title for the properties into the administrators' names for the purposes of distributing the estate.
 - 7. That there was difficulty in processing of the certificates of title which made it quite impossible for the administrators to file the required inventory in time.
 - 25 8. That according to amendments of the Succession Act 2022, the letters of administration granted to private persons before 31st May,2022 shall expire on 31st May,2025.
 - 9. That it is only just, fair and equitable that letters of administration of the estate of the late Sekalala Ditus Kibalama vide Administration Cause No. 2220 of 2019
- 5 be renewed and extended to enable the applicants to fully administer and distribute the estate of the deceased to the beneficiaries.
10. That this application is in the best interest of all beneficiaries.
- 11. That this application has been made without unreasonable delay as the applicants lodged it on Counsel's advice.
 - 10 12. That the time within which to file the required inventory in this Honorable Court be extended.

Background

Following the demise of the late Sekalala Ditus Kibalama on the 30th July, 1990 at Mubarak Makindye, the applicant herein petitioned this court for letters of Administration to administer the estate of the deceased on behalf of his beneficiaries and the same were granted by the **Hon. Lady Justice Olive Kazaarwe Mukwaya on 14th January, 2019.**

Contrary to the requirements of **Section 273(1)** (formerly section 278(1)) **of the Succession Act** (as amended), the applicants have not filed an inventory within the 20 requisite time as one of the beneficiaries had travelled out of the country. However, the said letters of Administration expired on 31st May, 2025 by operation of the law

before the applicants could effectively distribute the estate to the beneficiaries.

According to Annexure 'C' as attached to the affidavit in support of the application, the beneficiaries of the said Estate consented to the instant application.

25 Representation

In the instant application, the applicants were represented by M/s Prudens Law Advocates.

5 Issue for Determination

This court has adopted the issues as submitted by counsel for the applicant;

- *1) Whether leave should be granted to extend letters of Administration for the estate of the late Sekalala Ditus Kibalama.*
- *2) Whether leave should be granted to the applicants to file an inventory and* 10 *account of the deceased's estate out of time.*

Parties' submissions

Counsel for the applicants submitted that the law governing such applications is Section 337 (2) and (4) and Section 273 (1) of the Succession Act, Sections 96 and 98 of the Civil Procedure Act, Section 37 of the Judicature Act, and Order 52 rules

- 15 1 and 3 of the Civil Procedure Rules. It is counsel for the applicants' submission that the applicant has a justified cause to warrant the renewal of letter of administration on account that the applicants could not effectively distribute the estate to the beneficiaries as one of the beneficiaries had travelled out of the country.

- It is counsel for the applicant's submission, that the applicant has a justified reason 20 for the delayed filing of the inventory beyond the stipulated six months' timeline on account that one of the beneficiaries had travelled out of the country. Counsel prayed that the applicants have managed to distribute the estate of the deceased and desire to file the inventory, however the same cannot be done since the letters of Administration have expired.

25 *Resolution*

Whether leave be granted to extend the letters of administration for the estate of the late Sekalala Ditus Kibalama.

Applications of this nature are provided for under *Section 337 (2) of the Succession Act Cap 268* which stipulates that*;*

5 *"A grant of Probate or letters of administration issued by a court of competent jurisdiction before the 31st day of May 2022, shall remain in force for a period of three years from the 31st day of May, 2022".*

Sub section 4 of the same states that;

"The duration of a grant of probate or letters of administration referred to in 10 *subsection (2) may on application to court by the administrator or administratrix of an estate, be extended for a reasonable period determined by court."*

According to paragraph 5 of the affidavit in support of the application, the deponent deposed that following the grant of letters of administration, initiative was 15 undertaken to distribute the estate of the deceased, however, one of the beneficiaries had travelled out of the country. In paragraph 6, the deponent deposed that upon return of the beneficiary into the country, the estate was distributed in equal shares, however, the letters of administration expired before the inventory could be filed.

According to the record of Administration Cause No. 2220 of 2016, the deceased

- 20 was survived by four issues including Alex Sekalala, Roger Sekalala, Michael Sekalala and Daniel Sekalala and the deceased left behind property in Makindye which was the matrimonial home and land at Kiboga. Having perused the pleadings in the instant application, I have observed that the beneficiaries consented to the instant application and equally attached copies of their National Identity Cards.
- 25 Though not a requirement of law by virtue of Section 337 of the Succession Act, it is beneficial to have family consent as the same is proof that the beneficiaries of the deceased's estate have endorsed the actions of the executors or administrators of the deceased's estate.

In light of all of these facts and evidence, I am convinced that the applicants have 30 presented sufficient cause to warrant an extension of the letters of Administration

5 for the Estate of Late Sekalala Ditus issued via Administrative Cause No. 2220 of 2016.

Whether leave should be granted to the applicant to file an inventory and account of the deceased's estate out of time.

Section 273(1) (formerly section 278(1)) of the Succession Act (as amended) 10 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

- 15 *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*
- 20 *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

25 *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 – Supreme Court Civil Application No. 27 of 2010 provided for the 3 questions to

- 30 be determined before disposing of an application for extension of time like this one. The said questions are;
- *a) Whether the Applicant has established sufficient reasons for the court to extend time*
- 5 *b) Whether the Applicant is guilty of dilatory conduct*
- *c) Whether any injustice will be caused if the application is not granted.*

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*

10 *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 v the Chairman Bunju Village Government & Ors** which quoted **Gideon Mosa 15 Onchwati v 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."

- 20 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.
- I have examined the reasons furnished above by the applicants and I am satisfied 25 that the same qualify as sufficient cause to extend time within which to file the inventory. I accordingly allow this application with a finding that the present application merits extension of time within which to file the inventory out of time and an extension of the letters of Administration so as to facilitate the further administration of the deceased's estate.
- In these premises, the Applicant's application succeeds and I hereby order as S follows:
 - 1. The Application be allowed.
 - 2. Letters of Administration for the Estate of the Late Sekalala Ditus Kibalama issued vide Administration Cause. 2220 of 2016 to the applicants are hereby
 - extended by two years effective 11^{th} July 2025. 10
 - 3. The Applicant is granted leave to file the inventory vide Administration Cause No. 2220 of 2016 out of time.
 - 4. The Applicants are directed to file the updated inventory clearly showing the following:
 - *a) the name of the deceased; date of death; Administration Cause number; Date* 15 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 20 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 \$25\$ 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 30 received the same.
- 5. The said inventory should be filed within ninety days from the date of this Ruling.

I so order,

Historye

Immaculate Busingye Byaruhanga

JUDGE

Ruling delivered on this 11th day of July, 2025 via ECCMIS

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CASE PAGE <https://chat.esheria.ai/case-law/uganda/alex-sekalala-and-another-v-sekalala-micheal-and-sekalala-moses-miscellaneous-application-no-2533-of-2025-2025-ughcfd-43-11-july-2025-unknown-topic-un>

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