

UGANDA / JUDGMENT

Kalanzi & Another v Lunkuse (Civil Suit 144 of 2019) [2025] UGHCFD 12 (31 March 2025)

[2025] UGHCFD 12

COURT

HC: Family Division (Uganda)

BEFORE

Komuhangi, J

CASE / FILE NUMBER

Civil Suit 144 of 2019

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THE REPUBLIC OF UGANDA IN THE HIGH COURT OF UGANDA HOLDEN AT KAMPALA (FAMILY DIVISION) CIVIL SUIT NO. 0144 OF 2019

1. SIMON KALANZI

2. SSEBOWA PATRICK ===== PLAINTIFFS

VERSUS

LUNKUSE DINAH ===== DEFENDANT

BEFORE: HON. LADY JUSTICE ALICE KOMUHANGI KHAUKHA JUDGMENT

Introduction

- 15 This Judgment is in respect of a suit filed by Simon Kalanzi and Ssebowa Patrick (**Plaintiffs**) against Lunkuse Dinah (**Defendant**) for:
- a) An Order lifting the caveat lodged by the Defendant forbidding the Grant of Letters of Administration to the Plaintiffs in respect to the land comprised in Block 151 Plot 11 at Kito;
- 20 b) A declaration that land comprised in Block 151 Plot 11 at Kito is not part of the estate of the late Tebesigwa Petero;
- c) A declaration that the document dated 27th May 1977 is not the last Will and testament of the late Tebesigwa Petero;
- d) A permanent injunction restraining the Defendant from further dealing with

- 25 the estate of the late Tebesigwa Petero; and
- e) Costs of the suit.

The Defendant also filed a Counter Claim against the Plaintiffs seeking the following reliefs:

- (a) A declaration that the Counter Defendants engaged in fraudulent acts while pursuing Letters of Administration to the estate of the late Tebesigwa Petero;
- 5 (b) A declaration that the Counter Defendants are not suitable custodians for the late Tebesigwa Petero's land comprised in Block 151 Plot 17 at Kito;
- (c) In the alternative, an order directing the Counter Defendants to transfer the land comprised in Block 151 Plot 17 at Kito to the Counter Claimant and or any other family members of the Ngonge clan in the event they are granted 10 Letters of Administration to the estate of the late Tebesigwa Petero;
- (d) General damages;
- (e) Costs of the suit;
- (f) Any other and better relief.

15 Representation

At the hearing, both Plaintiffs were represented by Counsel Ernest Lutaya of M/S MLM Advocates while Counsel John Kaddu of M/S Marques Advocates represented the Defendant.

20 Facts

The Plaintiffs are the biological children of the late Harriet Nakiwala (herein after referred to as "Nakiwala"), who was the only biological child of the late Tebesigwa Petero (herein after referred to as "**the deceased**"). The Plaintiffs are therefore, the grand children of the deceased. The deceased had a biological brother called James

25 Lwana who gave birth to Eriya Muwanga; and Eriya Muwanga gave birth to Paulo Wamala who was the biological father of Dinah Lunkuse (**the Defendant**). Paulo Wamala later became the heir of the deceased.

The Plaintiffs claim that the deceased bequeathed his entire estate, including land in Block 151 Plot 11, land at Kito, formerly registered as Bulemezi Mailo Register Volume 966 Folio 19 (**suit land**), to their mother, the late Nakiwala Harriet, through a Will but the Will got lost and because of that, the Plaintiffs claim that the deceased

5 died intestate. It is on those premises that the Plaintiffs petitioned the Court for a Grant of Letters of Administration for the estate of the deceased vide Administration Cause No. 0503 of 2015.

The Defendant lodged a caveat forbidding the Grant of the Letters of Administration 10 to the Plaintiffs for reasons that the siutland which forms part of the estate of the deceased was bequeathed to her father, the late Paulo Wamala, in a Will dated 27th May 1977, to be used as ancestral land /burial ground for the Ngonge clan, hence the suit and the counter claim.

\$\$\left(\begin{array}{c} \bullet \\ \bullet \end{array}\right)\$\$

15 Issues

During the scheduling conference, the Court adopted the issues that had been raised by both Counsel in their Joint Scheduling Memorandum, to wit:

- 1. Whether the late Tebesigwa Petero died intestate;
- 2. Whether the document dated the 27th day of May 1977 is a valid last Will and
- 20 Testament of the late Tebesigwa Petero;
- 3. Whether the short Death Certificate of Tebesigwa Petero issued on 12th September 2013 is valid;
- 4. Whether the Defendant's caveat against the Plaintiffs' Petition for Letters of Administration in respect of the Estate of the late Tebesigwa Petero was 25 justified;
- 5. Whether the Defendant has a valid claim to the deceased's land comprised in Block 151 Plot 17 at Kito; and
- 6. What remedies are available to the parties?

Before resolving the above issues, I will first deal with the confusion that surrounded the description of the suit land throughout the proceedings. The Defendant insisted 5 that the suit land was described as Block 151 Plot 17 at Kito and even produced a

Statement of Search issued on 12th April 2024 (DEX 2). On the other hand, the Plaintiffs contended that Block 151 Plot 17 did not form part of the estate of the deceased and insisted that the suit land was described as Bulemezi Mailo Register Volume 966 Folio 19. They even produced an original Certificate of Title as an

10 exhibit (PEX 4).

In order to have the issue clarified, I made an Order to the Commissioner Land Registration directing him to furnish the Court with some information about the two descriptions. The Order read **inter alia*;

- 15 *1. The Commissioner Land Registration furnishes this Court with a certified copy of the white page in respect of Bulemezi Block 151 Plot 11;*

- *2. The Commissioner Land Registration shall also furnish the Court with any information in relation to Bulemezi Mailo Register Volume 966 Folio 19 in his possession;*
- 20

The information was availed to the Court, in which a Certified Copy of the white page of Volume 966 Folio 19 indicated that the land was registered on 28/03/1946 and the registered proprietor is Petero Tebesigwa. There is a stamp there on reading " BROUGHT ON TO NEW REGISTER BLOCK 151 PLOT 11 with a signature 25 and date 24/7.. (The stamp did not indicate the year when the transfer to the new Register happened).

A certified copy of the White Page for Bulemezi Block 151 Plot 11 was also availed and it also indicated that the land was registered on 28/3/1946 and is in the name of Petero Tebesigwa with a caveat by Dinah Lunkuse (Defendant) as a beneficiary.

- 5 In light of the above information, it is the finding of this Court that the suit land was first registered as Volume 966 Folio 19 and later when the system of registration changed to Block and Plots from Volume and Folio, it took up a new description as Block 151 Plot 11 but it is one and the same and it is the suit land situate Kito LC1, Tweyanze parish, Katikamu Sub-county, Luwero District which the Court visited.
- 10 *The Certificate of Title for Volume 966 Folio 19 was handed over to Mr. John Kaddu, Counsel for the Defendant for custody pending the determination of this matter.*

Resolution of the issues

15 Both Counsel resolved issues 1 and 2 separately. However, I will resolve them together because they are closely related.

Issue 1: *Whether the late Tebesigwa Petero died intestate and;* Issue 2 *. Whether the document dated the 27th day of May 1977 is a valid last Will*

- 20 *and Testament of the late Tebesigwa Petero.* In respect of the first issue, Counsel for the Plaintiffs, while citing Section 20 of the Succession Act, Cap. 268 submitted that whereas it was the Plaintiffs' evidence that there was a Will for the late Tebesigwa Petero, the same got lost. As such, the deceased died intestate in respect to all property that had not been disposed of by a
- 25 valid testamentary disposition.

On the other hand, Counsel for the Defendant submitted that the Defendant and all the Plaintiffs testified to the fact that the deceased left a Will; that there is

documentary evidence of the valid last Will of the deceased that was admitted in Court; that the minutes of the family meeting convened by the Chief Administrative Officer in Luwero District recorded that there was a Will but it got lost; and that an intestate is a person who dies without leaving behind a written Will. As such, 5 Counsel contended that the deceased died testate because he left a Will, whether or not that Will got lost.

In rejoinder, Counsel for the Plaintiffs submitted that the said Will was never admitted in Court as Counsel for the Defendant purports but the said Will was only 10 identified and marked as DEX1 (a) and its translation as DEX1 (b); and that there was no valid testamentary disposition of the deceased's Estate and as such, it is taken as an intestate.

Court's decision

15 The Succession Act, Cap. 268, unfortunately, does not define what it means for a person to die intestate. However, according to Black's Law Dictionary, 9th Edition, an intestate is defined as one who has died without a valid Will. (Emphasis is mine)

Whereas the Plaintiffs first stated that the deceased died without a Will, they later 20 admitted that the deceased left a Will and it was read in their presence, but it has since got lost. They therefore neither produced a Will nor any other document to prove that a Will existed. It is also the Plaintiffs' case that in that Will, the deceased had bequeathed all his property (including the suit land) to his only child, the late Harriet Nakiwala, who is their mother.

The Defendant and all three witnesses in support of her case also stated that the deceased left a Will dated 27th May 1977, and they produced a photocopy of the Luganda Version and its English translation as DEX 1(a) and (b) respectively. (It is therefore not true for Counsel for the Plaintiffs to argue that the document was admitted for identification). The Defendant stated that she was the one keeping the original Will, but it was stolen from her handbag in 2023 when her house was broken into and thieves stole many things including the handbag where she had kept the

5 Will.

However, concerning the document that the Defendant seeks to rely on as a Valid Will and Testament of the deceased, I have the following observations to make:

- (a) As already noted, the original copy of the said Will was not produced in Court.
- 10 What was produced in the Court was a faint photocopy and whereas the Defendant claims that the original copy was stolen from her, she did not adduce any police report to that effect. Therefore, her claim of the theft remains unsubstantiated with any independent evidence;

- (b) The deceased is said to have died in 1975/1977, and the alleged Will has 15 never been probated and or proved in any Court;
- (c) None of the alleged witnesses on the Will was produced as a witness in the Court because they are all said to be dead;
- (d) The chain of custody of the alleged Will also left the Court unsatisfied. The Defendant, in her evidence during cross-examination, stated that she did not 20 remember whether the Will was read during the last funeral rites of the deceased. However, she later saw the Will with Jjaja Muwanga, who had kept it, and Disan Lutaya, who was staying with Jjaja Muwanga, found it in the suitcase and gave it to the Defendant in 2014, from when she kept it until 2023, when it was stolen.
- 25 (e) None of the people whom she claims to have been in the custody of the Will and who later handed it over to her for custody was produced in the Court as a witness, thereby grossly breaking the chain of custody of the alleged Will;
- (f) I also noted with deep concern that whereas the alleged Will described the suitland as Block 151 Plot 11, the deceased had never held and or kept the Certificate of Title in that description. What the deceased held and kept was a Certificate of Title described as Volume 966 Folio 19 and that is the same 5 Title (Owner's Copy) which was in the custody of the Plaintiffs which was admitted as PEX 4. This has left me wondering how the deceased could have described the suitland as Block 151 Plot 11 in the alleged Will when the Certificate of title he had for the suitland was Volume 966 Folio 19. Despite the fact that at this time the suit land may have been registered as Block 151 10 Plot 11, it is highly unlikely that the same information was within the knowledge of the deceased. If it had, he would have had the Certificate of Title in that description or he would have explained the discrepancy in the alleged Will.
- (g) The Defendant and all her witnesses also insist that the Certificate of Title, 15 which they saw upon the death of the deceased, was Block 151 Plot 11. They claim that the same was kept with Zacharia Kimbowa (son of James Lwana), who also kept it with his son Dan Kimbowa, who later handed it over to the Plaintiffs (PEX 4). This account is not true because a Certificate of Title described as Block 151 Plot 11 was never produced in the Court. It is only 20 when I made an Order to the Commissioner Land Registration, that he availed a certified copy of the white page. On the contrary, the Plaintiffs produced a certificate of Title for Volume 966 Folio 19. To me, this confirms that at all material times, the only Certificate of Title that was in the possession of the deceased was Volume 966 Folio 19 and not Block 151 Plot 11 as alleged by 25 the Defendant and her witnesses. Therefore, the Defendant and her witnesses could not have seen the Certificate of Title described as Block 151 Plot 11.

In light of the above inconsistencies surrounding the alleged Will, it would be very unsafe to rely on it as a valid Will or testament of the deceased. I would therefore make a finding that the deceased did not leave a valid Will and therefore, died intestate. Accordingly, issue No. 1 is answered in the affirmative 5 while issue No. 2 is answered in the negative.

Issue 3: *Whether the short Death Certificate of Tebesigwa Petero issued on 12th September 2013 is valid.*

Having resolved issues No. 1 and 2 the way I did, I find that this issue adds no value 10 to the case and I accordingly disregard it.

Issue 4: *Whether the Defendant's caveat against the Plaintiffs' Petition for Letters of Administration in respect of the Estate of the late Tebesigwa Petero was justified.*

- 15 Counsel for the Plaintiffs while relying on the cases of *Kampala Bottlers Ltd versus Damanico (U) Ltd, C. A No. 22/92; Bakukunda Fausta versus Tibamanya Kigambe & Others, C. S No. 0013 of 2017; Alice Okecha versus Mulumba Mathias Segantebuka, Miscellaneous No. 0337 of 2023 and Hassifa Nassanga versus Linda Precious Makula, Miscellaneous Application No. 1382 of 2024* submitted that the last Will and Testament dated 27 20 th May 1977 is invalid and yet that is the document the Defendant relied on when lodging a Caveat against the Plaintiffs' Petition for the Letters of Administration in respect to the estate of the late Tebesigwa Petero.
- 25 Counsel for the Plaintiffs also submitted that the Defendant committed fraud as she presented the Will dated 27th May 177 as a true and correct document when applying to lodge a caveat. That the dishonest actions of the Defendant have been strictly proved and submitted on, in issue 2 above. Therefore, the Defendant's caveat against

the Plaintiffs' Petition for Letters of Administration in respect of the estate of the late Tebesigwa Petero was not justified.

Counsel also contended that the Defendant is neither a beneficiary nor a child of the 5 deceased. As such, she failed to demonstrate a legitimate or lawful interest in the estate of the late Tebesigwa Petero. However, the Plaintiffs, on the other hand, have proved legitimate interest in the estate, being the deceased's grandchildren, and that the caveat impedes their ability to administer the deceased's estate.

- 10 On the other hand, Counsel for the Defendant submitted that the Defendant's caveat against the Plaintiffs' Petition for Letters of Administration was justified for the following reasons:
- (a) The Defendant's caveat was specific to the Plaintiff's administration of the suit land and not the entire estate of the late Tebesigwa Petero;

- 15 (b) DW1, DW2, and DW4 all testified that in his last Will, the late Tebesigwa Petero bequeathed the suit land to members of the Ngonge clan to which the Plaintiffs do not belong;
- (c) DW1 and DW2 who were all close family members to Tebesigwa Petero and his wife, testified that the late Harriet Nakiwala distributed to the Plaintiffs 20 and their siblings (her children) her entitlement in the estate of her late father, which was a kibanja in Bugerere and shops in Wobulenzi town and barred them from the suit land because her father had reserved it for members of the Ngonge clan only;
- (d) DW3 testified that PW1 begged her and two other persons to go with him and 25 plead with his mother, the late Harriet Nakiwala, to allow him build a house on the suit land but that Nakiwala declined to permit him because he was not of the Ngonge clan and this evidence corroborated the evidence of DW1,

DW2 and DW4 about the bequest of the suit land by Tebesigwa Petero to only members of the Ngonge clan;

- (e) The Plaintiffs lied to the Court that it was their mother who gave them the Certificate of Title for the suit land before she passed away. This evidence 5 was disputed by both DW2, DW4, and the Plaintiffs' sister, who testified that the Plaintiffs unscrupulously obtained it from its custodian long after the death of Harriet Nakiwala;
- (f) The Defendant's father, Wamala Paul, who was the customary heir of the late Tebesigwa Petero was buried on the suit land and yet he was not his biological 10 son, which lends credence to the validity of the contents of the last Will that the suit land was reserved for members of the Ngonge clan;
- (g) The Plaintiffs' mother, Harriet Nakiwala would not have left the suit land under the care and control of Kimbowa Moses when she had surviving children of her own if indeed they were the rightful beneficiaries of the suit 15 land;
- (h) Evidence given by Kimbowa Moses during the locus visit confirmed that the Plaintiffs started forcefully utilizing the suit land only after the death of their mother, Harriet Nakiwala and he also confirmed that only members of the Ngonge clan had been buried thereon;
- (i) During cross examination and at the locus, the 1st 20 Plaintiff lied to Court that he had constructed a house on the suit land but the evidence at the locus showed that which he claimed to be his house was the foundation of the collapsed house which his mother used to live in;
- (j) The evidence given during the locus visit confirmed that the Plaintiffs' 25 intention has always been to sell off the suit land and yet it contains several graves of members of the Ngonge clan including those of Tebesigwa Petero, Tebesigwa Petero's wife, Paul Wamala and Harriet Nakiwala, among others; and

(k) In their Petition for Letters of Administration to the estate of the late Tebesigwa Petero, the Plaintiffs intentionally omitted the correct description of the suit land and yet they were at all times in possession of the deceased's Certificate of Title. As such, the Defendant was justified in lodging a caveat 5 against the Plaintiffs' Petition for Letters of Administration for the estate of the late Tebesigwa Petero in order to safeguard the suit land from sale by the Plaintiffs.

In rejoinder, Counsel for the Plaintiffs while relying on the case of *Kibeedi Zaake*

- 10 *Wanume versus Equity Bank Ltd C. S No. 0035 of 2010* contended that the Defendant and all her witnesses testified that they did not hear directly that the Plaintiffs' mother barred the Plaintiffs from using the land at Kito as it belonged to members of the Ngonge clan. That evidence was adduced in Court by the Plaintiffs and the Defendant that the Plaintiffs have been in occupation of the suit land from
- 15 the time of death of their mother to date and on the locus visit of this land it was shown that the Plaintiffs are cultivating on the land.

Counsel for the Plaintiffs further argued that the only person who is using the land at Kito is Kimbowa Moses who testified at the locus visit that he was given authority 20 to use the land by Harriet Nakiwala, the mother of the Plaintiffs and not leaders of the Ngonge clan. That it was Harriet Nakiwala who also gave him permission to bury his children on the land at Kito which clearly shows that the only person who had authority over the land at Kito was Harriet Nakiwala, the biological mother of the Plaintiffs. That the Defendant also testified that her other siblings are buried at

25 Tweyanze, Luwero District which is the burial ground of her family. As such, the Defendant did not provide credible and admissible evidence to this Court that the land belongs to the Ngonge clan.

Court's decision

I have held in issues Nos. 1 and 2 that the deceased did not leave a valid Will. The Defendant, therefore, could not derive any rights over the suit land from the alleged Will. However, in light of both parties' evidence adduced in the Court, the Defendant

- 5 was justified to lodge a caveat. This is because evidence was adduced to the fact that the Defendant is the daughter of Paulo Wamala, the heir of the deceased. She is also the heir of Harriet Nakiwala, the only child of the deceased. Both Paulo Wamala and Harriet Nakiwala are buried on the suit land, and the Defendant is the custodian of the graves. She also stated that as the heir of the late Harriet Nakiwala, it is her wish
- 10 that she should be buried on the same land, next to the late Harriet Nakiwala.

Besides, during the locus visit, this Court interviewed one Moses Kimbowa, who is currently utilising most of the suit land. This Court established that Moses Kimbowa is from the lineage of James Lwana (which is also the lineage of the 15 Defendants) but he was raised by the late Harriet

Nakiwala on the suit land. He has also built a small house on the suit land and also cultivates thereon. His crops on the suit land included a banana plantation and coffee. He informed the Court that he does not stay on the suit land because his family stays else where but he built the house so that in case of a death of someone of the Ngonge clan who would wish to be buried on the suit land would have a house where the dead body would be received together with the mourners. The Court also established that even three children of Moses Kimbowa are buried on the suit land. Moses Kimbowa also testified that when the late Harriet Nakiwala died, the Plaintiffs have made several attempts to chase him from the suit land where he was brought up and where, their mother, the late harriet Nakiwala left him.

In light of the above therefore, it is the finding of the Court that the Defendant was justified in lodging a caveat against the Plaintiffs' Petition for Letters of Administration in respect of the estate of the late Tebesigwa Petero, by virtue of being the heir of the late Harriet Nakiwala, the only child of the deceased, her father Paulo Wamala is buried there and also to protect the interests of Moses Kimbowa who was being threatened with eviction from the land where he grew from .

Issue No. 4 is therefore, answered in the affirmative.

Issue 5: *Whether the Defendant has a valid claim to the deceased's land comprised in Block 151 Plot 17 at Kito.*

Having resolved issue No. 4 in the affirmative, this issue is also answered in the affirmative. Though the Defendant is not a lineal descendant of the deceased, she has a valid claim to the suit land as the heir of the late Harriet Nakiwala, the only child of the deceased. As already observed, her father, the late Paulo Wamala, the heir to the deceased is also buried on the suit land and the Defendant is the one taking care of the graves. The people buried on the land are; Petero Tebesigwa and his wife,

Paulo Wamala, Harriet Nakiwala and three (3) children of Moses Kimbowa.

Issue 6: *What remedies are available to the parties?*

Counsel for the Plaintiffs submitted that the reliefs sought for in the Plaint be granted with the exception that Block 151 Plot 11 land at Kito does not form part of the estate of the late Tebesigwa Petero as this is the new description of the land belonging to Tebesigwa Petero and the Defendant's Counter Claim against the Plaintiffs be dismissed with costs.

Counsel for the Defendant on the other hand submitted that the suit should be determined in favour of the Defendant by making the following Orders and declarations: that the land comprised in Block 151 Plot 11 at Kito forms part of the estate of the late Tebesigwa Petero; the Counter Defendants engaged in fraudulent acts while pursuing letters of Administration to the estate of the late Tebesigwa

Petero; the Plaintiffs are not suitable custodians for the late Tebesigwa Petero's land comprised in Block 151 Plot 11 at Kito; the Plaintiffs be granted Letters of Administration of the late Tebesigwa Petero but with a condition that they shall transfer the land comprised in Block 151 Plot 11 at Kito to the Defendant and other 5 members of the Ngonge clan; the Plaintiffs pay general damages of UGX 20,000,000; the Plaintiffs pay costs of the suit and any further and better relief that Court may deem just and equitable.

In rejoinder, Counsel for the Plaintiffs submitted that the remedies sought by the 10 Defendant have no merit, and in particular that the deceased's land in Kito be transferred in the Defendant's name and not the Ngonge clan is a very clear example of her true intention of grabbing land at Kito. That the Defendant is not a beneficiary

of the deceased. That she has never at any one time lived on the land at Kito, and on

the locus visit, it was clearly shown that she had no cultivation on the land at Kito. 15 That the leader of the Ngonge clan, Kisolo has never laid any claim to the land at Kito. That the Defendant lied to the Court that she received a letter from Sembatya, the speaker of the Ngonge clan, that stated that they had an interest in the land at Kito. That according to the case of *Maruri Venkata Bhaskar Reddy & Others versus Bank of India (U) Ltd Civil Suit No. 0804 of 2014*, the Defendant has not 20 provided any evidence that she has suffered any loss and therefore is not entitled to damages of UGX 20,000,000.

Court's decision

In light of the above findings, both the suit and the counterclaim partly succeed with 25 the following Orders and declarations:

1. The document dated 27th May 1977 purported to be the Will of the late Petero Tebesigwa, is not valid. The late Tebesigwa Petero is therefore, deemed to have died intestate;
- 2. The land comprised in Bulemezi Block 151 Plot 11 at Kito, formerly registered as Bulemezi Register Volume 966 Folio 19, forms part of the estate of the late Tebesigwa Petero;
- 3. The land comprised in Bulemezi Block 151 Plot 11 at Kito, formerly 5 registered as Bulemezi Register Volume 966 Folio 19, is not a burial ground for the Ngonge clan but forms part of the burial ground for the family of the late Tebesigwa Petero. This is because one of the people buried on the suit land is the deceased's wife, who is not a member of the Ngonge clan, and also the fact that the people from the Ngonge clan have a burial ground at 10 Tweyanze and not on the suit land;
- 4. The Plaintiffs and the other children of the late Harriet Nakiwala are the lineal descendants of the deceased, and therefore, the direct beneficiaries of the suitland;
- 5. Dinah Lunkuse, the Defendant, as the heir of the late Harriet Nakiwala, the 15 only child of the deceased and a caretaker/ custodian of the graves on the suitland, has an interest in the suitland;

- 6. The caveat lodged by the Defendant on the Petition for Letters of Administration by the Plaintiffs' Application vide Administration Cause No 0503 of 2015 is hereby vacated;
- 20 7. Letters of Administration for the estate of the late Tebesigwa Petero shall be granted to the Plaintiffs and the Defendant, namely **SIMON KALANZI, SSEMBOWA PATRICK and DINAH LUNKUSE**;
- 8. Mr. John Kaddu, Counsel for the Defendant, whom the Court entrusted with the custody of the Certificate of Title for the suit land, shall hand over the 25 same to the Administrators immediately upon the acquisition of the Letters of Administration;
- 9. The Administrators of the estate of the late Petero Tebesigwa shall sub-divide the land, and the burial ground shall be allocated one (1) acre of the suit land;
- 10. All the children of the late Harriet Nakiwala shall have the remaining portion of land (3.1 acres) to be shared equally amongst them. These are **SARAH MPAGI, ROBINAH SUSAN WANYAMA, SSEBBOWA PATRICK and SIMON KALANZI**. The share of their late brother **STEVEN 5 SENDAWULA** shall go to his children;
- 11. The land designated as burial grounds shall cover the portion where the house and the graves are and shall be under the stewardship of Dinah Lunkuse and Moses Kimbowa (who has a house on the suit land), but they are prohibited from selling it;
- 10 12. No general damages have been awarded; and
- 13. Each party shall bear its own costs.

Dated at Kampala this 31st day of March 2025.

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Alice Komuhangi Khaukha

JUDGE

31/03/2025

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Prepared on 14 October 2026 · Esheria