

**Mulalira James and Others v Nantumbwe Olivie
and Others (Miscellaneous Application No.
4042 of 2025) [2025] UGHCFD 61 (15 July 2025)**
[2025] UGHCFD 61

Source: ulii.org · Research copy typeset by Esheria. Not court-issued or certified.

1 / 6

The application is supported by an affidavit sworn by the applicant herein **Mulalira James** and one of the holders of Letters of Administration granted vide Administration Cause No.736 of 2013. 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. The letters of administration of the late Edward Wakula Kibugo have become inoperative since Letters of Administration have expired.
- 2. That the delay was caused due to search of unknown property left by Late Edward Wakula Kibugo, historical land wrangles on the land situated in Gomba against the beneficiaries and administrators of the estate and financial crisis to process the necessary documents from the names of the deceased to the administrators and lastly to the beneficiaries.
- 3. The applicants have found a lot of difficulty administering the said estate without applying for fresh letters of administration since the ones issued on 13th day of December,2013 have expired.
- 4. That for effective management of the estate of Late Edward Wakula Kibugo , the original letters of Administration issued on 13th day of December,2013 have expired thus fresh letters be issued to the applicants.
- 5. That the administrators have taken some steps in administering the said estate that is to say transmission was completed, the title is in the names of the administrators.
- 6. The process of administration cannot be completed without the grant of fresh letters of Administration since property has not been fully distributed.
- 7. This application has been made without unreasonable delay.
- 8. That in the interest of administering the estate of the late Edward Wakula Kibugo, the original letters of administration issued on 13th day of December ,2013 have expired thus fresh letters be issued to the applicants and leave to file an inventory out of time.

Background

Following the demise of Edward Wakula Kibugo in 1985, the applicants herein petitioned this court for Letters of Administration to administer the estate on behalf of his beneficiaries. The same was granted on 13th day of December, 2013 to the applicants herein by Hon. Justice Wilson Masalu Musene.

However, the letters of administration have expired by operation of the law and contrary to the requirements of **Section 273(1)** (formerly section 278(1) of the **Succession Act** (as amended), the applicant has not filed an inventory within the requisite time on account that there was delay caused due to search of unknown property left by the late Edward Wakula Kibugo and financial crisis to process the necessary documents from the names of the deceased to the administrators.

The applicants obtained the required consent from the beneficiaries to bring an application for renewal of letters of administration and filing the inventory out of time.

Representation

In the instant application, the applicant was self-represented.

Issue for Determination

This court has resolved that the main issues for determination are as follows;

- *1) Whether leave should be granted to the applicants 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 letters of administration.*

Parties' submissions

It is the applicants' submission that the applicants have a justified reason for the delayed filing of the inventory beyond the stipulated six months' timeline and justified cause to warrant renewal of letters of Administration on account that there was delay occasioned in the search of unknown property left behind by the late Edward Wakula Kibugo coupled with financial struggles which halted the processing of all the necessary ownership documents from the names of the deceased to the administrators.

Resolution

Issue No.1 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) 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 **Hadija 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 v the Chairman Bunju Village Government & Ors** which quoted **Gideon Mosa 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."

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, as argued in their submissions, the applicants raised similar averments in paragraph 2 of the affidavit in support of the application, wherein it was contended that the delay in filing of the inventory was occasioned by a search for some unknown property left behind by the deceased, an on-going Civil Suit in Nakawa High Court as it was then vide HCCS No. 692 of 2015 and financial crisis which encumbered the processing of the necessary documents to transfer the estate property from the names of the deceased into the names of the Administrators. In my view, the aforementioned reasons qualify as sufficient cause to extend

time within which to file an inventory. I accordingly allow this application with a finding that the present application merits extension of time within which to file an inventory.

Issue 2: Whether there are sufficient grounds to warrant the renewal and extension of letters of Administration.

Applications of this nature wherein letters of Administration for the deceased's estate were issued before 31st May 2022, as is in the instant case, where the same were issued on 13th December 2013, are provided for under **Section 337 (2) of the Succession Act Cap 268** which stipulates that;

"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".

Section 337(4) of the Succession Act Cap 268 allows for extensions of grants that fall within the ambits of subsection 2 and it states that;

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

In addition to the reasons furnished as presented above, I have also observed from the petition for letters for administration vide Administration Cause No. 736 of 2013 that the deceased is survived by 17 beneficiaries who were all adults, four of whom were granted letters of administration. I have also noted that all surviving beneficiaries have consented to the instant application for extension of the letters of administration, however, out of the 12 surviving beneficiaries, and 8 have attached their identification. 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 the evidence before me, I am braced with fact that the estate of the deceased vests in the Administrators of the said estate as the legal representatives in accordance with **Sections 176 and 188 of the Succession Act**, therefore, without operative letters of administration, the estate is left without legal representatives to finalize the administration of the deceased's estate. In the premises, I am convinced that the applicants have presented sufficient cause to warrant an extension of the letters of Administration for the **Estate of Late Namazzi Bukenya Agnes Mary issued via Administrative Cause No. 0200 of 2003**.

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

1)The Application is allowed. *The letters of administration are hereby extended for a period of one year from 15th July 2025.*

2)The Applicants are granted leave to file the inventory vide Administration Cause No. 736 of 2013 out of time. 3)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 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 immovable 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.*
- *1) The said inventory should be filed within six months from the date of this Ruling.* I so order,

Immaculate Busingye Byaruhanga

JUDGE

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

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ulii.org/akn/ug/judgment/ughcfd/2025/61/eng@2025-07-15>

CASE PAGE <https://chat.esheria.ai/case-law/uganda/mulalira-james-and-others-v-nantumbwe-olivie-and-others-miscellaneous-application-no-4042-of-2025-2025-ughcfd-61-15-july-2025-unknown-topic-unknown-co>

Prepared on 14 October 2026 · Esheria