

Ntula & Another v Ssali & Another
(Miscellaneous Application 107 of 2023)
[2024] UGHC 305 (15 January 2024)
 [2024] UGHC 305

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This is an application in which the Applicant is seeking for an Order for a temporary grant of Letters of Administration ad litem in respect to Civil suit No. 95 of 2023 which is pending before this Honourable court.

The Applicants state that Muwonge Frasisco was the Plaintiff in the above civil suit from which the above suit emanates. That the Plaintiff, unfortunately, died before the rights of the parties to the dispute could be resolved by this Honourable Court.

They prayed that their names be substituted with those of the Plaintiff to enable the court proceed with hearing of the suit.

Representation

The Applicant was represented by **M/s Neon Advocates**.

When this matter came up for hearing on 13th November 2023, the Applicant was granted leave to proceed ex parte, the Respondents having failed to enter appearance despite service. They were also directed to file written submissions which at the time of writing this ruling they were yet to file.

APPLICANT'S CASE

The Applicants state that Muwonge Frasisco was the Plaintiff in the above civil suit from which the above suit emanates. That the Plaintiff, unfortunately, died before the rights of the parties to the dispute could be resolved by this Honourable Court.

The Applicants state that Muwonge Frasisco died on the 15th of October, 2023 during the pre-trial processes of the suit. They attached a copy of the LC1 chairperson's letter and of a short death certificate to prove the death of Muwonge Frasisco who was buried at Kiyimba village, Kyotera on 16th October 2023.

The Applicants contend that the process of obtaining letters of administration to the estate of the Late Frasisco Muwonge is to be undertaken by his family, but that it may delay the resolution of the suit which is pending before this Honourable Court.

They prayed that their names be substituted with those of the Plaintiff to enable the court proceed with hearing of the suit.

DETERMINATION BY COURT.

I have carefully considered the Applicant's affidavits in support of the Application and below is my decision on the matter.

S.222 of the Succession Act which was cited by the Applicant allows a party to a suit or a person intending to institute one to move court to appoint an Administrator pendente lite for purposes of defending the suit where the members of the deceased's family are unwilling to take out Letters of Administration.

This provision is available to the one seeking a temporary grant of Letters of Administration for purposes of continuing a suit on behalf of a deceased's estate as desired by the Applicants.

In the premises, I accordingly grant the Application. The Costs of this Application will remain in the cause.

I so order.

Orders;

- 1. The Applicants are hereby appointed administrators' ad-litem in respect to Civil suit No. 95 of 2023 which is pending before this Honourable court.
- 2. The deceased Plaintiff is hereby substituted with the Applicants as administrators' ad-litem in respect to Civil Suit No. 95 of 2023 which is pending before this Honourable court.
- 3. An amendment to the pleadings is allowed in the above terms.
- 4. The Costs of this Application will be in the Cause.

Dated this 15th day of January, 2024

VICTORIA NAKINTU NKWANGA KATAMBA

JUDGE.

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