

THE REPUBLIC OF UGANDA
IN THE HIGH COURT OF UGANDA AT KAMPALA
MISCELLANEOUS APPLICATION NO. 27 OF 2005
(ARISING OUT OF ADMINISTRATION CAUSE NO. 899 OF 2004)

MUBIRU LAWRENCE ::: APPLICANT

VERSUS

1. TEDDY NANKYA)
2. NAMUKASA CHRISTINE) ::: RESPONDENTS
3. MOLLY MUBIRU)

BEFORE: THE HON. AG. JUDGE REMMY KASULE

PROCEEDINGS:

4TH JULY 2005

Edward Muguluma - for applicant

Mr. Muhimbura for Respondent

Moses Mukwaya - Court Clerk

Mr. Muguluma - I apply for an adjournment

As I was served late with affidavit in reply.

Mr. Muhimbura: I have no objection.

Court: Cause is adjourned to 28th July 2005 at 2.30 p.m.

Remmy Kasule

Ag. Judge

4th July 2005

29th July 2005

Moses Mukwaya – Court Clerk.

Parties absent.

Court: The hearing date of 28-07-05 was for referendum, thus a holiday.

This cause is fixed for hearing on 17th August 2005 at 9.00 a.m.

Parties to be served.

Remmy Kasule

Ag. Judge

29th July 2005

17th August 2005

Moses Mukwaya - Court Clerk

Mr. Kikirengoma Edward for the Applicants.

There is no appearance of Respondents and their Counsel.

Mr. Kikirengoma: The parties are pursuing discussions for a settlement.

Court: Cause is adjourned to 2nd September 2005 at 9.00 a.m. Costs in the Cause.

Remmy Kasule

Ag. Judge

17th August 2005

2nd September 2005

Moses Mukwaya - Court Clerk

Mr. Kikirengoma Edward for Applicant

Mr. Edward Muguluma for Respondents.

Mr. Kikirengoma: We need more time to explore a settlement.

Mr. Muguluma: That is so.

Court: The application is adjourned to 9th September 2005 at 2.30 p.m.

Remy Kasule

Ag. Judge

2nd September 2005

9th September 2005

Moses Mukwaya - Court Clerk

Mr. Edward Muguluma for Applicant.

The applicant is present.

Mr. Muhimbura for the Respondents: They are present.

Both Counsel inform court that a settlement is being concluded.

Court: The suit is adjourned to 20th September 2005 at 9.00 a.m.

Remy Kasule

Ag. Judge

9th September 2005

30th September 2005

Moses Mukwaya – Court Clerk

Edward Muguluma for applicants

Muhimbura for Respondents.

Both Counsel have made a settlement.

Mr. Muguluma: Both of us have consented to a judgment to be entered. Counsel hands in the Consent Judgment. My client agrees to the Consent Judgment.

Mr. Muhimbura: I agree to the consent Judgment.

I have also signed the same by way of consent. I have explained everything in the consent Judgment and the Respondents all to the same.

Court: By consent of Counsel for the applicant and that of the Respondents.

It is hereby agreed and ordered that:-

1. The Respondents: Teddy Nankya, Christine Namukasa and Molly Mubiru be and are hereby granted letters of Administration to the estate of the late Namuganga Damali in High Court Administration cause Number 899 of 2004; and for this purpose the caveat put by the applicant, Mubiru Lawrence, against the said grant is hereby vacated.
2. The applicant, Mubiru Lawrence, be and is hereby granted exclusive authority and ownership of the Matrimonial house and Plot comprised in Plot No. 38 at Namuwongo, where the deceased used to stay.
3. The Respondents together with Namubiru Lizzie, all children of the applicant (father) and deceased (mother) be and are hereby jointly and severally granted exclusive authority and ownership of the house and plot comprised in plot No. 4 Wabigalo 3rd Close Namuwongo, that used to belong and owned by the deceased.
4. The Respondents together with Namubiru Lizzie are hereby jointly and severally granted for them to own, the 16 acres Kibanja situate at Jolwe village, Gayaza, Nangabo Sub County, Kyadondo County, Wakiso District, that used to jointly belong to the deceased and the applicant.

5. In consideration of having acquired the applicant's interest in the said Kibanja, the Respondents hereby undertake to pay to the applicant, Lawrence Mubiru, a sum of Shs. 6,500,000/= (six million five hundred thousand only) as hereunder:-
- (i) Uganda Shs. 4,000,000/= (Uganda Shillings Four Million Only) is paid to the said Lawrence Mubiru as at the time of recording this consent order.
 - (ii) Ug. Shs. 2,500,000/= (Two Million Five Hundred Thousand Only) is to be paid to the applicant, by the Respondents within six (6) months from the date of this order.
6. It is agreed that each party bears its own costs of these proceedings.

Remmy Kasule

Ag. Judge

30th September, 2005