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The plaintiff does not plead that the deceased left a will which the defendants were aware of but concealed from court. She does not plead that the alleged bequest to daughters was made by the deceased in a will.

The other purported grounds for revocation are not anywhere near legal grounds for seeking revocation.

The plaintiff reveals that the deceased, the late Lubera Sebabirye died in 1967. The deceased had three daughters and five sons. Apparently, the deceased died intestate. All the deceased's children had an interest in the deceased's estate and were entitled to take a share there of upon distribution.

No letters of Administration were granted in respect of the deceased's estate. The estate was not distributed to the deceased's children.

Apparently, the deceased's children have died save for the plaintiff. The plaintiff pleads that by reason of out living her siblings she remained solely in control and ownership of the deceased's Kibanja. This is a gross misconception. No part of the Kibanja was ever distributed to her. She claims interest by succession. The estates of her dead siblings are equally entitled to shares/portions of the deceased father's estate.

The plaintiff has pleaded an illegality. She stated in parag.10 that the deceased's Kibanja no longer exists.

In effect she, acting without any grant of letters of Administration, gave the whole Kibanja to herself, and thereafter ^{Proceeded} preceded to exchanger, with Registered Owner of the land, one Crispus Lule

Kituuka, a large portion of the Kibanja for one acre of land. In my view this was the height of intermeddling by the plaintiff.

This court cannot be seen to sanction an illegality and aid an illegal dealer with the deceased's estate.

In my view the present plaint constitutes an abuse of the process of court. This court has inherent power under S.98 of the CPA to prevent this.

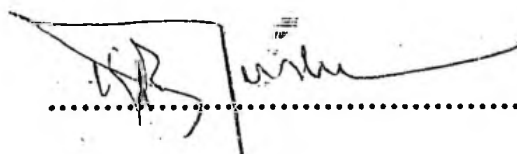
Also, this suit is shown by the plaint to be frivolous and vexatious.

The plaintiff who has pleaded giving away the deceased's estate in exchange for titled land, without a grant of letters of Administration, cannot be seen to ask for an inventory of the deceased's estate.

The plaint has not disclosed any just cause for seeking revocation of the grant of letters of Administration to the defendants.

In my view the plaint does not disclose a cause of action against the defendants as required by 0.7 r.11 (a) of the CPR and I hereby exercise powers granted under that rule to reject the plaint and strike it out with costs to the defendants.

Order accordingly.



HON. MOSES MUKIIBI

JUDGE

28/06/11