

COURT ORDERS TYCOON'S EXHUMATION

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The High Court has ordered the exhumation of businessman Benon Kigambo Tumwesigye's body for DNA testing following a dispute involving 26 people claiming to be his biological children.

Justice Celia Nagawa of the Family Division of the High Court issued the directive following an application by the widow, Maria Doreen Domina, who sought a sibling kinship test before the distribution of the deceased's estate. Tumwesigye died on June 14, 2022. In 2022, Domina filed an administration cause for the grant of letters of administration and listed 26 children alleged to belong to the deceased.

However, she expressed doubts about the paternity of some of the children, saying they were born out of wedlock to different women.

In a ruling dated May 22, 2026, Justice Nagawa directed that the deceased's remains be exhumed and subjected to deoxyribonucleic acid (DNA)

testing to determine parentage for the proper administration and distribution of the estate.

"The most direct, reliable, and scientifically conclusive method available for determining the disputed question of parentage in the matter at hand is a DNA examination involving the biological remains of the deceased himself," she said.

ONE MONTH DEADLINE

The judge ordered that all the children undergo paternity testing at the Directorate of Government Analytical Laboratory (GAL) in Wandegaya and the results be submitted to court within one month.

"The widow and all persons said to have been fathered by the late Tumwesigye together with their biological mothers should attend the GAL, Wandegaya, within four calendar days from the date of this ruling to provide samples for DNA testing," she directed.

Justice Nagawa further directed

that minors, through their next friends and where possible, with their biological mothers, also be presented for testing within four days for sample collection.

The court warned that any adult who fails to present themselves for testing without reasonable cause

risks having their claim to the estate suspended pending compliance.

The judge ruled that the cost of the DNA tests will be met by the estate, directing the

Administrator General to release the necessary funds upon receiving a cost estimate from GAL.

"No distribution of the estate of the late Tumwesigye, whether partial or final, shall be made by the Administrator General, until the DNA test results have been

received and considered by this court,"

Justice Nagawa ruled.

However, the judge said the contested issue regarding Domina's marital status, and whether a judgment of dissolution issued on April

11, 2014, by the Superior Court of California, County of Los Angeles, should be recognised in Uganda, will be determined separately.

Justice Nagawa stated that a DNA examination involving the deceased as the primary source would constitute the most reliable, direct, and scientifically conclusive method of determining the disputed question of parentage, especially in relation to the female children for whom sibling comparison testing alone may not yield the clearest or most definitive results.

MINORS

Justice Nagawa considered the position of the minors, who sued through their next friends, noting that Article 34(1) of the Constitution guarantees children the right to know their parents and to be raised under their care.

"For these children, a conclusive determination of their biological relationship to the deceased is not an intrusion; it is a constitutional right.

Whatever the outcome, they are better served by knowing the truth than by proceeding on assumptions," she stated.

The judge further stated that the issue before court was not whether the sibling kinship test would create conflict, but whether the existing conflict could be resolved justly and conclusively.

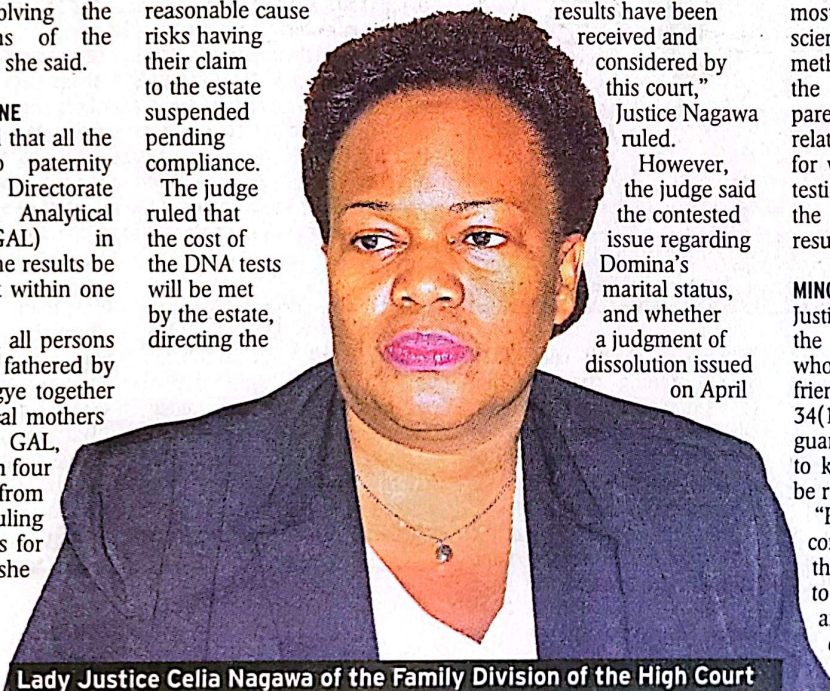
FAMILY DIVISION

The respondents had submitted that subjecting them to a kinship test would further divide the family and deepen existing tensions.

The judge observed that reliance on personal observations about a child's physical appearance, character or personal impressions as a means of questioning paternity is speculative and has no scientific basis.

"Physical resemblance, or its absence, proves nothing in law. Courts do not operate on impressions of that kind," Justice Nagawa stated.

The applicant was represented by Elgon Advocates, while the respondents were represented by ALP Advocates.



Lady Justice Celia Nagawa of the Family Division of the High Court