

COURT ORDERS EVICTION OF MOTHER FROM SON'S LAND

BY BARBARA KABA HUMUZA

The family division of the High Court in Kampala has ordered the eviction of an elderly woman from the estate of her son.

Court declared that the late Bashir Arube Mufanjala died without a valid Will, adding that probate powers granted to his mother were null and void.

In a judgment delivered on May 26, 2026, Justice Celia Nagawa ruled that an alleged will dated May 5, 2015, relied upon by Zam Zam Okide Nyachwo, the deceased's mother, was invalid and of no legal effect.

Nagawa, therefore, ordered her eviction from several estate property, noting that probate powers over the estate were fraudulently obtained.

The dispute followed the death of businessman Bashir Arube Mufanjala on June 28, 2021, which sparked competing succession claims



Nyachwo: Evicted mother

over his estate.

The late Mufanjala's wife, Faridah Mufanjala Senkumba, petitioned court for letters of administration on the grounds that her husband had died intestate and was granted authority in February 2022.

However, months later, Nyachwo petitioned for probate powers claiming that her son had left behind a Will appointing her executrix of his estate.

Court found major inconsistencies surrounding

the purported Will.

In her ruling, Nagawa noted that some properties listed in the alleged Will had been acquired years after the document was purportedly executed, while key witnesses said to have attested to the Will were never produced before court.

The judge also relied on evidence showing that shortly before his death, Mufanjala was still exploring how to prepare a Will, suggesting none had been executed.

"The late Bashir Arube Mufanjala died intestate," the judge said.

Court found that Nyachwo failed to disclose material facts and proceeded with probate proceedings despite participating in earlier succession processes before the Administrator General, where the deceased had been treated as having died without a Will.

Nagawa consequently annulled all transactions, distributions and dealings undertaken under the

impeached probate grant.

The court also dismissed Nyachwo's application seeking extension of the probate grant, saying court could not validate or extend authority founded on fraud.

Court held that Nyachwo unlawfully intermeddled with the estate by collecting rent from estate properties before obtaining lawful authority from court.

Evidence before court showed that she directed tenants to remit rent directly to her and continued managing estate properties beyond the period allowed under the Succession Act.

A demand notice presented in court showed that Nyachwo instructed a tenant to pay rent directly to her rather than to the deceased's widows or children.

Nagawa ruled that such conduct amounted to unlawful intermeddling.

As a result, the court permanently restrained Nyachwo, her agents and any person acting under her

COURT JUDGMENT

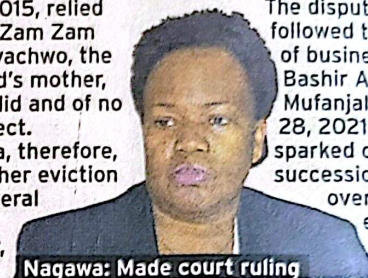
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Nagawa: Made court ruling

authority from collecting rent, leasing, transferring, selling or otherwise dealing with the estate. The court further ordered Nyachwo to surrender within three days all original and certified copies of the annulled letters of probate and deposit before court all land titles and estate documents in her possession.

She was also ordered evicted from properties located on Kyadondo Block 178, Plot 6009 and Plot 6010 at Nakwero-Manyangwa and Kyadondo Block 218 Plot 1325 at Najjera together with any persons occupying the premises under her authority.

Nagawa additionally directed Nyachwo to file within three weeks a full inventory and account of all monies received, rental income collected and

dealings undertaken during the period she managed the estate and refund any money found to have been unlawfully retained or misapplied.

The court, however, upheld Senkumba as the lawful administrator of the estate, noting that she had validly obtained letters of administration as the surviving spouse.

However, Nagawa faulted Senkumba for failing to file proper estate accounts and held that no lawful final distribution of the estate had yet taken place.

She was ordered to submit within three weeks a comprehensive inventory and account detailing estate income, expenses and transactions undertaken during her administration.