

SSEBALAMU IS ACCUSED OF UNLAWFULLY ACQUIRING POWERS TO ADMINISTER MULTI-BILLION ESTATES

By Vision Reporter

Court orders man to account for family estate

The Court of Appeal has cancelled the powers of attorney which the High Court had granted to a brother and two sisters of the late Moses Ssebitengero Ganya to administer his estate.

Ganya died 18 years ago. The court said the powers of attorney were acquired wrongly and unlawfully.

"The letters of administration granted to Abubaker Ssebalamu Ganya and his two co-administrators, Rehema Nansubuga and Sauda Nansubuga under administration cause number 710 of 1998, are hereby revoked," the court ruled.

"Despite the revocation of the powers of attorney, Ssebalamu and his co-administrators of the estate, are still liable to render to all the beneficiaries of the estate a true, comprehensive and proper account of whatever they have done on the deceased's estate hitherto," the court said.

Justice Remmy Kasule chaired the coram. The other members were justices Richard Buteera and Cheborion Barishaki.

The respondents were sued by their niece Yasimin Nalwoga, who accused them of unlawfully acquiring the powers to administer her father's multi-billion estates that include huge chunks of

land. The property is scattered in different parts of Kampala, Wakiso, Butambala, Nakaseke, Masaka and Mubende districts. The Kampala estates are located at Wandegaya, Makerere Kikoni, Mengo and Busomba.

Ganya, a property magnate, died in 1998 and willed his son Karim Ganya to be the heir. But, Karim, reportedly, mysteriously disappeared aged only 22 while he was pursuing formal installation as heir to his father, according to the court record.

Ssebitengero Ganya inherited the estate from his father Alamazane Ganya, who died in 1983.

Court heard that Karim Ganya disappeared immediately after filing complaints to the administrator general in 2004, seeking directives compelling the family elders to perform his father's last funeral rites. He was seeking to be installed heir in accordance with his father's Will and according to Baganda's culture and norms.

The judgment of the Court of Appeal emanated from

The Court of Appeal ordered Ssebalamu Ganya to submit a comprehensive inventory of the estate with the Will attached and serve it to all the beneficiaries within 60 days.

The court further ordered that the beneficiaries convene a meeting within 30 days from the judgment under the chairmanship of Yasimin Nalwoga and choose among themselves two other people for purposes of applying for letters of administration.

Ssebalamu was further ordered to show in his comprehensive statement of account the particulars of titles, to whom and how much the land was sold and when.

The Court of Appeal ordered that the new administrators of the estates, after being appointed by the court, should take immediate steps to resolve the issue of the disappearance of Karim Ganya in accordance with the law of missing persons.

COURT ORDER

an appeal by Nalwoga, who appealed against the judgment of the High Court. The High Court had in 2006 dismissed the case.

But, the Court of Appeal faulted the High Court for dismissing the case against the respondents.

In the case, Nalwoga accused her paternal uncle, Abubaker Ssebalamu Ganya and her

aunties Rehema Nansubuga and Sauda Nansubuga, now deceased, of meddling with her father's estate.

Nalwoga faulted the trial judge for ruling that the respondents had administered her father's estate in accordance with his Will. She said they had also concealed vital information from the court when they



Justice Remmy Kasule

deliberately refused or failed to attach the late Ganya's Will when applying for letters of administration of her father's estate.

Nalwoga had also, faulted the trial judge for failing to pronounce himself on the actual beneficiaries of Ssebitengero's estate, having taken cognizance of the mysterious disappearance of her younger brother, Karim.

Nalwoga sought orders compelling Ssebalamu Ganya to account for whatever he

and his sisters had done on her father's estates. She also sought orders compelling him to stop meddling with her father's estate as an administrator.

She accused them of fraudulently selling off the deceased's estate mainly at Seeta near Mukono that fetched them sh640m. They allegedly also fraudulently registered the property into their names.

Eric Muhwezi, who represented the respondents, supported the trial judge's decision dismissing Nalwoga's case with costs and asked the Court of Appeal to uphold the High Court ruling.

The Court of Appeal agreed that Ssebalamu Ganya and his two sisters committed a criminal offence by applying for letters of administration when there was a Will.

However, the Court of Appeal judges ruled that the Succession Act imposed statutory obligation upon all the three respondents, to strictly comply with the law. According to the law, failure to do so deemed them to have committed a serious criminal offence that is punishable with imprisonment.

The court named Ismael Ddamulira, Laetitia Nansubuga, Moses Nsubuga Ganya, Sarah Nansubuga and the plaintiff, Nalwoga as the surviving children of Ssebitengero Ganya.