**Najeno v Serwanga**

**Division:** High Court of Uganda at Kampala

**Date of judgment:** 29 March 1974

**Case Number:** 45/1971 (41/75)

**Before:** Allen Ag J

**Sourced by:** LawAfrica

*[1] Probate and Administration – Succession – Succession Act applies to all persons.*

*[2] Civil Practice and Procedure – Defendant – Substitution for dead defendant – Grant of probate or letters necessary.*

**Editor’s Summary**

The respondent was ordered to be substituted for a deceased appellant without producing to the court any grant of probate or letters of administration.

On appeal

**Held –**

(i) the Succession Act applies to all persons;

( ii) a grant is necessary to constitute anyone the legal or personal representative of another.

Appeal allowed.

**No cases referred to in judgment**