

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE DISTRICT REGISTRY OF ARUSHA**

**AT ARUSHA**

**PROBATE AND ADMINISTRATION CAUSE NO. 27 OF 2018**

**In the Matter of the Estate of the late SELINA BARTHAZAR SHAYO**

**AND**

**In the matter of an application for Letters of Administration by**

**FELICIANA B. SHAYO**

**ADMINISTRATION BOND WITH SURETIES.**

**FELICIANA B. SHAYO.....APPLICANT**

**(DECEASED CELINA BALTHAZAR SHAYO)**

**RULING**

**16/11/2018 & 23/11/2018**

**MZUNA, J.:**

This is an application by Feliciana Shayo (AW1), to stand as an Administratrix of the estate of the late Celina Balthazar Shayo who passed away on 15<sup>th</sup> November, 2017 at Arusha Lutheran Medical Centre Hospital as evidenced by the death certificate Exhibit P1. She left one issue called Junior Bright who is staying with Barthazar Shayo (AW2) his grand father.

There was tendered a clan meeting which proposed the applicant to stand as the Administratrix of the estate (Exhibit P2). According to the said

applicant the deceased died intestate. She said is the sister of the deceased, however paragraph 1 and 3 of the filed affidavit reads:-

*"1. I Felician B. Shayo...hereby petition this Honourable court for a grant of Administration of the estate of Selina Barthazar Shayo...*

*2....*

*3. This Petition is made by me as a lawful wife and daughter of the late Felician B. Shayo..."*

The above facts that she is a lawful wife and daughter of the late Felician B. Shayo does not match with her allegation that she is a senior Sister of the deceased.

Since an affidavit is a substitute for oral evidence, this court cannot agree with the clear glaring dissimilarities as indicated above. I am left at cross road and therefore cannot grant same.

For the above stated reasons, this application is struck out with no order for costs.



*W -*  
**M. G. MZUNA,**

**JUDGE.**

*26/11/2018*