

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
(ARUSHA DISTRICT REGISTRY)  
AT ARUSHA**

**PROBATE ADMINISTRATION CAUSE NO. 18 OF 2018**

**IN THE MATTER OF THE LATE ESTATE  
MARIA LAZARO NANYARO ALIAS  
SIKUYAMUNGU ELIYA ADAMU WA PILI ..... APPELLANT**

**VERSUS**

**IN THE MATTER OF AN APPLICATION  
FOR LETTERS OF ADMINISTRATION BY  
IRENE HAALAND , MONICA MUEZENZE  
AND RITTA WAINAINA .....RESPONDENT**

**RULING**

**BEFORE: I. MAIGE, J**

When this matter came for necessary orders on 10.09.2018, the petitioner appeared through his advocate one Andrew Akyoo. I requested the counsel to address me on whether it was proper for the Honourable Registrar to issue a citation without there being an order of the presiding Judge to that effect. While admitting that it was not, in terms of section 73 of the

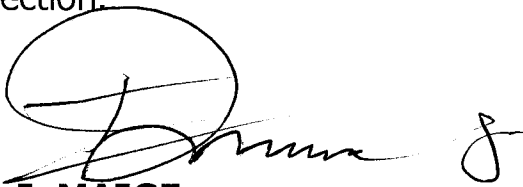
Probate and Administration of the Estes Act, the counsel was of humble view that the irregularity was too trivial as to affect the substantial validity of the proceedings.

I have considered the submissions by the counsel for the petitioner and with respect, I agree with him that the publication of the citation by the Hon Registrar in the absence of the order from the presiding Judge to that effect is a mere trivial irregularity which does not affect the substantial validity of the proceedings. The reason being that the overriding policy objective behind the citation is to notify the interested parties and the public at large of the institution of the proceedings. The objective, I agree with the counsel, is met when the publication is made.

For that reason therefore, I am satisfied myself that the proceedings before me are competent notwithstanding the defect pointed out above.

**I. MAIGE  
JUDGE  
22/10/2018**

**Mr. Akyoo: My Lord,** we therefore pray that the letters of administration be granted since there is no objection.

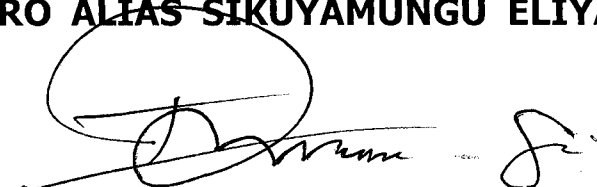


**I. MAIGE**

**JUDGE**

**22/10/2018**

**Order:** There being no caveat despite the expiry of the citation period, let letters of administration in respect of the deceased estate of the late **MARIA LAZARO NANYARO ALIAS SIKUYAMUNGU ELIYA ADAMU WA PILI** be granted.

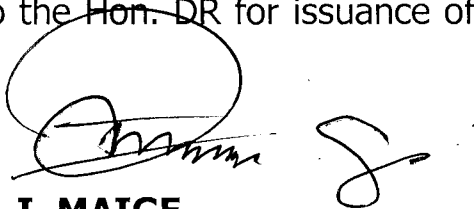
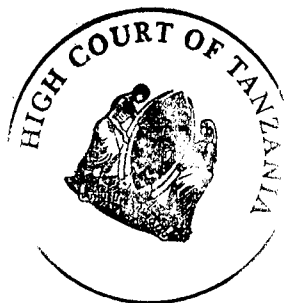


**I. MAIGE**

**JUDGE**

**22/10/2018**

**Court:** Let the file be placed to the Hon. DR for issuance of the Letters of Administration.



**I. MAIGE**

**JUDGE**

**22/10/2018**