

IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

PROBATE AND ADMINISTRATION CAUSE NO. 16 OF 2020

(Made under section 56 of the Probate and Administration of Estates Act, Cap. 352 R.E 2019 and Rule 39 of the Probate Rules, 1963)

In the matter of the Estate of the late **Francis Issa Kisaka** (Deceased).

AND

In the matter of Application for Letters of Administration of Estate
by **LUCY JOHN SHIRIMA @ LUCYNA**

RULING

11th June & 19th June, 2020.

E. E. KAKOLAKI J

This is an application for grant of letters of Administration to **Lucy John Shirima @ Lucyna** as administratrix of the estates of the late **Francis Issa Kisaka** who died intestate at Rabininsia Hospital, Kinondoni District, Dar es salaam Region on the 6th day of December, 2019. It is preferred under S. 56 of the **Probate and Administration of Estates Act**, [Cap. 352 R.E 2019] and rule 39 of the Probate Rules, 1963, supported by annexures. The annexures are death certificate of the late Francis Issa Kisaka annexure FK1 and Marriage Certificate of the petitioner, the deceased and three children collectively as annexure FK2 and Family/clan meeting minutes. Also accompanying the petition also is the affidavit of

Lucy John Shirima by sole Administrator under Rule 32, Affidavit as to Domicile of the deceased by the petitioner under Rule 64, Administrator's Oath by the petitioner under section 66 and rule 65, Administrator's bond with sureties, certificate as to surety's financial position under section 69 and Consent under rule 71 duly executed by Beatrice Francis Kisaka, the Petitioner for herself and on behalf of Caroline Francis Kisaka and Casandra Kisaka (minors) and the list of assets under section 56, all made under the Probate and Administration of Estates Act,[Cap. 352 R.E 2019] and Probate Rules, 1963.

It is important to mention that the deceased who died intestate survived with a widow one Ms. **Lucy John Shirima**, three children inside his marriage namely **Careen Francis Kisaka** (15 years), **Caroline Francis Kisaka** (11 years), and **Casandra Francis Kisaka** (6 years) and three children outside his marriage namely **Rose Francis Kisaka** (31 years), **Beatrice Francis Kisaka** (24 years) and **Erick Francis Kisaka** (20 years). He also left some properties forming part of the estates which the petitioner is seeking to administer. In summary the known and disclosed estates as per list of assets are Property in the name of Francis Issa Kisaka, Plot No. 322, Block "G" Tegeta Area Dar es slaam, valued at Tshs 200,000,000/= (Two Hundred Million), Property in the name of Francis Issa Kisaka, Plot No. 324, Block "G" Tegeta Area Dar es slaam, valued at Tshs 40,000,000/= (Forty Million), part of the property in the name of Francis Issa Kisaka and Lucy John Shirima, Plot No. 272, Block "3" Bunju Area Dar es slaam, valued at Tshs 150,000,000/= (One Hundred Fifty Million), the property in the name of Francis Issa Kisaka at Hedaru Same District, Kilimanjaro Region valued at Tshs 3,000,000/= (Three Million), Shares/dues from personal companies – Kisaka Supply Limited and Money from bank accounts (Unknown amounts) at CRDB Bank.

When the matter was called for hearing on 11/06/2020 the petitioner was represented by Ms. Leah Kamanga learned advocate. Arguing the petition Ms. Kamanga stated that the petitioner who is the wife of the deceased in seeking to administer the estates of the deceased some of which are known are listed in the list of assets accompanied to the petition and also to manage the affairs of the deceased heirs. That the petitioner has complied with the court's order by making citation in accordance with the law in in Mwananchi newspaper of 21/05/2020 and the Government Gazette of 22/05/2020 ISSN 0856-0323. And that fourteen (14) days have passed since the citation was made and there is no any caveat entered to challenge appointment of the petitioner as administratrix of the estates of the late Francis Issa Kisaka. She therefore prayed for grant of the petitioner's prayer.

I have paid regard to the submission by the learned counsel for the petitioner. The petitioner is the deceased wife as evidenced by the marriage certificate in a marriage contracted on the 25/06/2005. It is also evident that the deceased survived with six children, three of which are (minors) who were depending solely on him to have all their means of living including shelter, food, health care, education and other services. All these necessary services need to keep on going through a trustworthy and reliable administrator of estate. The petitioner through administrator's oath has sworn and assured this court to faithfully administer the estate of the deceased, pay debts, distribute the residue in accordance with the law and exhibit full and true inventory of the said property and credits in this court within six months from the date of grant or at further time as this Court may from time to time appoint and render a true account of her administration within one year. Having considered all those facts I am

satisfied that the petitioner meets the requirement of being appointed as administratrix of the estates.

In the circumstances and for the foregoing reasons, I do hereby grant the letters of administration by appointing **Lucy John Shirima @ Lucyna** as administratrix to administer the estates of the late **Francis Issa Kisaka**. The administratrix of estates will be subjected to immediate control of the court and shall act under its directions as required by the law.

It is so ordered.

DATED at DAR ES SALAAM this 19th day of June, 2020.



E. E. KAKOLAKI

JUDGE

19/06/2020

Delivered at Dar es Salaam this 19th day of June, 2020 in the presence Petitioner, Ms. Leah Kamanga advocate for the petitioner and Ms. **Lulu Masasi**, Court clerk.

Right of Appeal Explained.



E. E. Kakolaki

JUDGE

19/06/2020