

IN THE HIGH COURT OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

PROBATE AND ADMINISTRATION CAUSE NO. 01 OF 2015

In the matter of the Estate of the late **JAPHET ELIAS KILOLELO**

AND

In the matter of Application for grant letters of Administration by **PAULO ELIAS KILOLELO**

RULING

15 & 16/06/2020

RUMANYIKA, J.:

When the backlog application by way of audio teleconferencing was called on today the 15/06/2020 for hearing, once again Paulo Elias Kilolelo and Yakanda Jinego (the 1st and 2nd petitioners/applicants) respectively were not in attendance. There was no proof of service on the petitioner yes, but given the nature and circumstances of the matter, unless they had lost interest in it, the petitioners had every reasons to have followed it up much as amongst them, pending final determination of PC Probate Appeal No. 15/2015 the petition having been **sine die** adjourned by this court say 4 years before i.e. on 01/04/2016, according to the 1st petitioner's unreferenced letter of 14/01/2020 the appeal was within 1st four month finally decided since 22/08/2016. In other words, like Mr. Elias Hezron learned counsel correctly so in my view submitted, with effect from 22/08/2016 the matter was **res judicata** much as with all intents and

purposes it involved the same estate, parties and the same deceased. I will subscribe to the learned counsel's prayer. If the need persisted, the petitioners may wish to challenge the court decision of 22/08/2016. The petition is struck out. Each party shall bear their costs. It is ordered accordingly.



S. M. RUMANYIKA

JUDGE

15/06/2020

Ruling delivered under my hand and seal of the court in chambers this 16/06/2020 in absence of the parties with notice.



S. M. RUMANYIKA

JUDGE

16/06/2020