

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

**PROBATE AND ADMINISTRATION CAUSE NO. 49 OF 2019**

**IN THE MATTER OF THE ESTATE OF THE LATE MAHAD ABDULLAHI  
NUR  
AND  
IN THE MATTER OF APPLICATION FOR LETTERS OF  
ADMINISTRATION BY MOHAMED A. NUR ROBERRY**

**PETITION FOR LETTERS OF ADMINISTRATION**

(Made Under Sections 52(a), 53, 56(1) & (2), and section 57 of the Probate and  
Administration of Estates Act, Cap 352 R.E 2002, and Rule 14(1) and (2) of the Probate  
Rules GN Nos. 10, 107 and 1963 of 1963)

**RULING**

**MASABO, J.L:-**

In the application before me, the Petitioner Mohamed A. Nur Roberry, prays for letters of administration of the estate of the late **Mahad Abdullahi Nur**, his brother, who died interstate in Kisumayo Somalia on 12<sup>th</sup> day of July 2019. The application is supported by a death certificate of the late MAHAD ABDULLAHI NUR, administrator's oath (made under section 66 of Cap 352 and Rule 65 of the Probate Rules; Consent for Administration signed by Falastin Ali Abdi (widow), Abdullahi Nur Guleid (father of the deceased) and Habiba Nur Rage (mother of the deceased), Certificate as Sureties Financial Position (made under Rule 69), Administration Bond (made under section 67

and rule 66); and affidavit to Domicile (made under Rule 64 of the Probate Rules).

It was pleaded that the deceased died interstate being survived by seven heirs, namely

1. Mrs. Falastin Ali Abdi (widow)
2. Jamal Mahad Abdullahi (son, 16 years old)
3. Jabril Mahad Abdullahi (son, 14 years old)
4. Jamil Mahad Abdullahi (son, 12 years old)
5. Jihan Mahad Abdullahi (daughter, 7 years old)
6. Abdullahi Nur Guleid (father) and
7. Habiba Nur Rage (mother)

It was further pleaded that, the deceased left behind an estate worth approximately Tshs 800,000,000/= (say Eight Hundred Million Shillings) including:

1. Shares, assets and profit in the company namely Maisha Supermarket Limited including monies in: two accounts maintained with Barclays Bank Money (in USD Account No. 0006022667 and TSHS Account No. 0156021547); two accounts maintained with Diamond Trust Bank (USD Account No. 01124046001 and TSHS Account No. 7124046001); and one Account maintained with Equity Bank in Account No. 1211267746);
2. Shares, assets and profit in the company namely Victoria Plaza Limited including monies in two Bank accounts maintained with Equity Bank

(USD Account No.3001211143714 and TSHS Account No. 30012111143713); and two accounts maintained with Exim Bank (USD Account No. 0080027911 and TSHS Account No. 0080027910)

3. Shares assets and profit in the company namely Quality Furniture Limited including monies in Two Bank Accounts maintained with Equity Bank (USD Account No. 3001200006589 and TSHS Account No. 3001200006586); and two accounts maintained with Exim Bank (USD Account No. 0080027911 and Tshs Account No. 0080027910)
4. Shares and assets in a company namely Paradise Holiday Resort

Lastly, it was pleaded that the deceased was a Tanzanian, professed Islam and had his fixed place of abode in Dar es Salaam hence this court has jurisdiction.

Upon the application being filed, this court issued a citation which was published in September 20, 2019 pursuant to Rule 75 of the Probate Rules.

When the application came for hearing, the petitioner represented by Mr. Deogratus Lyimo, learned counsel paraded three witnesses, Mohamed A. Nur Robery, the Applicant herein who testified as PW1; Falastin Ali Abdi, the widow who testified as PW2 and Abdullahi Nur Guleid, the father to the late Mahad Abdullahi Nur who testified as PW3.

PW1 told the Court that, the deceased was his brother and that he died interstate at Kisimayo in Somalia being survived with a widow, his four

children, and his two parents. The original death certificate issued by Kisimayo General Hospital and a certificate from the Ministry of Health and Human Services for the Federal Government of Somalia was tendered in proof of the death of the said Mahad Abdullahi Nur and were admitted as **Exhibit P2** Collectively. He further stated that the deceased is survived by seven heirs above named, and he owned several assets including shares in companies such as Maisha Supermarket Limited, quality furniture, Victoria Plaza and monies kept in accounts maintained by different banks including CRDB Bank PLC, Stanbic Bank, Bank of Africa, Standard Chartered Bank and First National Bank. Further he testified that, soon after the completion of funeral arrangements the family convened a family meeting which were attended by the widow and some of the heirs of the late Mahad Abdullahi Nur, who nominated him for appointment as Administrator hence he is suitable for appointment. The Minutes of family meeting were admitted as **Exhibit P3**.

On her party, PW2 Falastin Ali Abdi, testified that she is the widow to the late Mahad Abdullahi Nur having married him in 21/12/2001 as per the certificate of marriage which was admitted as **Exhibit P4**. She further testified that her husband died interstate being survived by 4 children. Moreover, she stated that she attended the family meeting and that she knows the petitioner and she had consented to his appointment. Also, PW3, testified that he knows the petitioner who is his son and that he chaired the meeting that nominated the petitioner for appointment as administrator.

Having considered the content of the application and the evidence tendered and having regard to the fact that, after the general citation was published on 20<sup>th</sup> September 2019 no caveat or objection was entered at the expiry of 14 days or thereafter this court is of the settled view that the Petitioner qualifies for appointment as administrator of the estate of the late **Mahad Abdullahi Nur**.

Accordingly, it is ordered that the letters of administration be issued to the said **Mohamed A. Nur Roberry** who shall administer the estate in full compliance with the provisions of the Probate and Administration of Estates Act, Cap 352 and the Probate Rules. Further to the appointment, the said Mohamed A. Nur Roberry shall exhibit an inventory and file it in this court no later than 6 months after the date of appointment unless otherwise the date upon which to exhibit the inventory is extended by this Court.

DATED at DAR ES SALAAM this 20<sup>th</sup> day of March 2020.

  
**J.L. MASABO**  
**JUDGE**

Judgment delivered this this 20<sup>th</sup> day of March 2020, in the present of Mr. Levis Lyimo representing Mr. Deogratius Lyimo counsel for Petitioner,

  
**J.L. MASABO**  
**JUDGE**