

**IN THE HIGH COURT OF TANZANIA
IN THE DISTRICT REGISTRY
AT MWANZA**

PROBATE AND ADMINISTRATION CAUSE No. 06 OF 2019

IN THE MATTER OF THE ESTATE OF THE LATE

CECILIA LAURIANTHE DECEASED

AND

**IN THE MATTER OF APPLICATION FOR
LETTERS OF ADMINISTRATION BY**

GEORGE LAURIANI MABUGO.....PETITIONER

RULING

30th June & 24th August, 2020

TIGANGA, J.

In this application, George Laurian Mabugo petitioned for letters of appointment of administrator of the estate of the late Cecilia Laurian who died intestate on 18/01/2019 while at Uhuru Street in Nyamagana District, Mwanza Region. According to the evidence, the deceased left the following relative surviving her;

- (i) Stella Laurian the daughter who is in Mwanza
- (ii) George Laurian Mabugo the son who is at Igunga
- (iii) Consolata Laurian the daughter who is in Mwanza



- (iv) Mabugo Audax the deceased grandson who is in German
- (v) Cecila Sweetbert the deceased grand daughter who is in Dar Es Salaam
- (vi) Evance Laurian the deceased's son who is at Nyegezi Mwanza.

On her death, she left one residential house located at Uhuru street in Nyamagana District Mwanza City on Plot 12/86 Block "O" estimated to be valued Tshs. 300,000,000/=. The petition was accompanied by the affidavit of George Laurian Mabugo made under rule 72(1) of the Probate Rules showing that, although Consolata Laurian consented to the commencement of these proceedings and the proposed administrator, but refused to sign the heirs consent without assigning any reason.

The other document filed accompanying the petition is an affidavit as to the deceased domicile in terms of rule 64 filed by the petitioner showing that the deceased at the time of her death she was living at Uhuru Street in Mwanza City, the Administrators oath filed in terms of section 66 and rule 65 of the Probate and Administration Act and Probate Rules respectively. Others are list of assets, the consent of four heirs namely Stella Laurian, Mabugo Audax, Evance Laurian and Cecilia Sweetbert. The petition was cited in Mtanzania News paper dated on 23rd January 2020 at page 22 of the news paper.

Before the hearing of this petition commenced the petitioner applied to be dispensed with the requirement of bond and sureties which application was granted by the ruling of this court dated on 27/04/2020.

The petition was not objected and on 30th June 2020 when this matter was called for hearing, the petitioner just reiterated the contents of the petition and other documents accompanying it.

Now, having been not contested, and with the consent of the heirs I find no reason as to why I should reject the petition. That said, I hereby grant the petition as prayed. The petitioner is hereby appointed as Administrator of the estate of the late Cecilia Laurian. His appointment is followed by the following consequential orders;

- (a) The petitioner be issued with a letter appointing him as administrator of the estate of Cecilia Laurian- the deceased.
- (b) The administrator is required to carryout his activities transparently to other heirs and must do so in accordance with the law.
- (c) He collect the properties pf the deceased, pay debts and distribute the remaining after paying the debts or any other liability.
- (d) Last, after finishing up he file an inventory in court within the statutory prescribed period.

It is so ordered,

DATED at MWANZA on the 24th August 2020



J. C. Tiganga

Judge

24/08/2020

Ruling delivered in open chambers in the presence of the petitioner in representation by a relative.



A handwritten signature in blue ink, appearing to read "J. C. Tiganga".

J. C. Tiganga

Judge

24/08/2020

ORIGINAL