

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

**MISCELLANEOUS CIVIL APPLICATION NO. 14 OF 2020**

(Arising from Probate and Administration Cause No. 29 Of 2018 and Misc. Application  
No. 76 Of 2019)

**IN THE MATTER OF THE ESTATE OF THE LATE BERNARD  
NTINGINYA BUNDALA  
AND  
IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF  
ADMINISTRATION BY**

**ANNAMARIA BERNARD BUNDALA.....1<sup>ST</sup> APPLICANT**

**AND**

**BEATUS BERNARD BUNDALA.....2<sup>ND</sup> APPLICANT**

**RULING**

**MASABO, J.**

In this application, **ANNAMARIA BERNARD BUNDALA** and **BEATUS BERNARD BUNDALA** are jointly applying for letters of administration of the estate of the late **BERNARD NTINGINYA BUNDALA** (the deceased). The application is intended to substitute the former administrator of the estate one Fortunatus Bernard Bundalla whose letters of administration were revoked by this court on 30<sup>th</sup> October 2019 in Misc. Civil Application No. 76 of 2019. The Application was brought under section 49 (2) of the Probate

and Administration of Estate Act, Cap. 352 RE 2002 and rule 14(1) and (2) of the Probate Rules, 1963. The applicants have stated in their joint affidavit that the deceased died intestate on 17<sup>TH</sup> March 2018 at REGENCY MEDICAL CENTRE in Dar es Salaam. Thereafter, one Fortunatus Bernard Bundala was petitioned for letters of administration and was dully appointed by this Court and granted letters of administration on 21<sup>st</sup> September 2018. Soon thereafter, an objection was made vide Miscellaneous Civil Application No. 76 of 2019 in conclusion of which the letters granted to the said Fortunatus Bernard Bundala were revoked. The Applicants states that, following the revocation, the family convened a meeting whereby the applicants herein were proposed for appointment (minutes of clan meeting is annexed to the affidavit).

In addition, the applicants have attached with the petition the relevant instruments required by the law, such as the certificate of death, an affidavit as to domicile of the deceased, administration bond with sureties, Certificate as to the Surety's Financial Position and oath as to the faithfulness of the administrator and administratrix. The citations were accordingly issued and the petitioner advertised the same in Mwananchi Newspaper dated

20/3/2020. Nonetheless, until when the matter came for hearing on 18/08/2020, no any caveat or objection had been filed in court. At the hearing of the Applicants had nothing to add to it save for the statement that there are 9 heirs and assets are as listed in the original probate matter.

Owing to the fact that the petition was not objected though the citations were advertised in the circulating newspaper (Mwananchi), and since the applicants have complied with the law by filing all the required documents as shown above, this court grants the petition. The applicants are hereby jointly appointed and charged with the duty to administer the estate of the Bernard Ntinginya Bundala. They are subsequently ordered to file an inventory with 6 months. It is so ordered.

DATED at DAR ES SALAAM this 31<sup>st</sup> day of August 2020.



A handwritten signature in blue ink, appearing to be "J.L. MASABO".

**J.L. MASABO**

**JUDGE**