

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

**MISCELLANEOUS CIVIL APPLICATION NO. 225 OF 2019**

(Arising from Probate and Administration Cause No.266 Of 1991 & Civil Case No. 266 Of 1991)

**REHEMA CHANZI HALAHALA.....APPLICANT  
VERSUS  
THE ADMINISTRATRIX OF MUSTAFA HALAHALA.....RESPONDENT**

**RULING**

**MASABO, J.:**

On 14<sup>th</sup> July 2000, **Rehema Chanzi Halahala**, the applicant herein, and one **Mustafa Halahala** were jointly appointed as administrators of the estate of the late **Habibu Halahala** in Mirathi No. 266 of 1991. She is now before this court with two prayers. The first prayer is for an order for removal of her co-administrator, Mustafa Halahala who is now deceased. The second prayer is for extension of time within which to exhibit an inventory and file final account of the estate of the late Habibu Halahala. The Application has been preferred under S. 49 (2), 107 (1) and (2) of the Probate and Administration of Estates Act [Cap. 352 RE 2002] and section 14 (1) of the Law of Limitation Act, [Cap. 89 RE 2019].

The ground for both prayers as deponed in the applicant's affidavit, is the demise of the co-administrator, Mustafa Halahala. It is deponed that the co-administrator died on 11/6/2017 prior to the completion of the administration of the above estate. Certificate of death of the said Mustafa Halahala, and minutes of the family meeting held on 26/12/2019 vide which the

beneficiaries consented that the applicant remain as a sole administrator were of the estate of the late Habibu Halahala was appended to the application. The letters of joint administration was also produced in court. In addition, the administratrix of the estate of the late Mustafa Halahala filed an affidavit through which he fully supported the application.

Section 49 (1) (c) of the Probate and Administration of Estates Act provides that the letters of administration may be revoked or annulled if they have become useless or inoperative. The pleadings in the instant case reveal that the death of the said Mustafa Halahala has rendered the letters of administration granted to him in Mirathi No. 226 of 1991 useless and inoperative.

As for the prayer for extension of time, I have noted with great concern noncompliance with the requirement to exhibit inventory and file final account under s. 107 of the Probate Act. According to this provision and the letters of joint administration awarded to the parties, the administrators were to exhibit an inventory with 6 months and file the final account within one year from the date of appointment.

The applicant has assigned no reason as to why they could not complete their administration within the above period or between 1991 when they were appointed to 2017 when the co administrator demised. Nevertheless, since the probate is yet to be closed, it is in the interest of justice that the prayer be granted.

All being said, the application is hereby granted. The letters granted to Mustafa Halahala are hereby revoked and it is ordered further that they be surrendered in this court as per the law. The applicant shall forthwith serve as the sole administrator of the estate of the late Habibu Halahala. Further, the applicant is granted an extension of 3 months within which to finalize the administration. For specificity, she is to exhibit the true and correct inventory of the estate by 26/11/2020 and file the final account by 26/1/2021.

Order, accordingly.

DATED at DAR ES SALAAM this 23<sup>rd</sup> day of October 2020.

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