

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA
AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 25 OF 2019

IN THE MATTER OF THE ESTATE OF THE LATE IRENE ASORAEI
NASSARI.....DECEASED

AND

IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY
AGNESS ASORAEI NASSARI.....PETITIONER

RULING

Hearing concluded.....13/02/2020

Judgment prepared and endorsed....20/03/2020

GWAE, J

The petitioner **AGNESS ASORAEI NASSARI** the sister of the deceased has petitioned for grant of letters of administration of the estate of her late sister, **IRENE ASORAEI NASSARI (deceased)** who is said to have died intestate on **08TH day of June, 2019** at Nkoaranga Lutheran Hospital-Arusha. The deceased is survived by two children namely; **JOSEPH AYUBU** and **ELISHA AYUBU**. The petition is to the effect that the assets subjects of the intended administration are as follows;

- a) Plot measuring 50x40 located at Sanganano-Usa River
- b) One unfinished house at Sanganano in Usa River
- c) 819-Bricks, 49-Iron sheets and utencils.
- d) National Social Security Fund (NSSF)

On hearing of this petition the petitioner appeared before this court together with the deceased's children and produced the original documents of the death certificate, and the clan meeting which nominated her name to petition for letters of administration of the estate of her late sister. She had nothing to add to her petition apart from a prayer of being granted letters of administration.

The deceased's first born named Joseph also appeared before this court and state that he is 20 years old and that he is in form four. He also told this court that they have appointed the petitioner (their little mother) to administer the estate of their late mother. Elisha Ayoub the deceased's second born on the other hand told this court that he is 17 years old and that they trust the petitioner and therefore she is eligible to be granted letters of administration. He further stated that the deceased was an employee of DOLLY. About their father, Ayoub said that they do not know the whereabouts of their father.

After hearing of parties the question that follows is whether the petitioner qualifies to be appointed as an administrator.

From the outset the petitioner herein above has been covered by the provision of legal aid from Arusha Legal Aid Unit of Legal & Human Rights Center. She filed this petition on 26/08/2019 and a citation was issued upon which no objection had been preferred until the hearing of this matter. It is further contended that the petitioner is the deceased's younger sister and has been nominated by the clan meeting to petition for

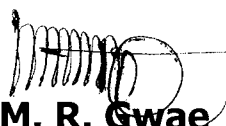
the letters of administration of her late sister. The deceased's children also in their submissions stated to have a trust to the petitioner and thus consented to her appointment. I have also noted that the deceased husband is nowhere to be found as averred by the deceased's children in their submission.

From the above assertion I am of the considered view that the petitioner is a proper person and eligible to administer the estate of the late **IRENE ASORAEI NASSARI**. The deceased is survived by two issues **JOSEPH AYUBU** and **ELISHA AYUBU** who are students and in one way or another their upkeep will be facilitated by the properties left by their late mother. To leave the properties unattended may put them into a risk of being mismanaged or wasted by persons who may not be the beneficiaries.

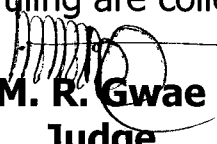
To this end, the petitioner is hereby appointed to administer the estate of the late **IRENE ASORAEI NASSARI** in accordance with the law. The appointed administratrix is further cautioned that any misapplication of the estate of the deceased or if she subjects it to a loss, she can be held liable to make good such loss or damage.

The administratrix is further directed to exhibit inventory of the deceased's estate in this court within **six** months from the date of this ruling.

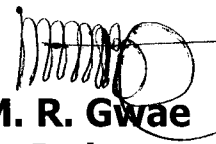
It is so ordered


M. R. Gwae
Judge
20/03/2020

Court. Ruling delivered in the presence of the Petitioner in chamber this 20th March 2020, copies of the ruling are collectable today.


M. R. Gwae
Judge
20/03/2020

Order: The matter shall be coming for necessary order (s) on 21/09/2020


M. R. Gwae
Judge
20/03/2020

