

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

PROBATE AND ADMINISTRATION CAUSE NO. 37 OF 2020

**IN THE MATTER OF THE ESTATE OF THE LATE JONATHAN
RUGAIMUKAMU EZEKIEL
AND
IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF
ADMINISTRATION
BY
CECILIA KOKUWEYENDERA EZEKIEL**

RULING

Last Order: 16/11/2020

Ruling: 16/11/2020

MASABO, J.

In this matter, Cecilia Kokuweyendera Ezekiel, is applying for letters of administration of the estate of her deceased husband the late JONATHAN RUGAIMUKAMU EZEKIEL (the deceased). The Application was brought under section 56 of the Probate and Administration of Estate Act [Cap. 352 RE 2002]. In her application she has stated that the deceased died intestate at Plot No. 525 Madaktari Street, Msasani Pennisuila, Kinondoni Municipality in Dar es Salaam on 8th April 2020 being survived by four heirs; that is, Cecilia Kokuweyendera Ezekiel, his widow and the applicant herein and three children in the names of Linda Margaret Ezerkiel, David William Ezekiel and Vera Kokushubira Ezekiel.

The Applicant has stated further that, at his death the deceased was domiciled at Plot No. 525 Madaktari Street, Msasani Pennisuila, Kinondoni Municipality in Dar es Salaam as his fixed place of abode. An affidavit as to the deceased domicile was also filed in support of the application. She has also stated that the total value of the assets likely to come into the hands of the administrator is Tshs 100,000,000/- comprising of house at Plot No. 525 Madaktari Street, Msasani Pennisuila, Kinondoni Municipality in Dar es Salaam, shares in the East African Breweries and CRDB Bank and landed property situated as Kamachumu in Bukoba.

The applicant has stated further that after the deceased's death, the search for his will ensured with no fruition and that, no proceedings for probate or letters of administration in respect of the deceased's estate had commenced before any other court.

The applicant has appended to the petition the relevant instruments required by the law, such as the certificate of death, administrator's bond with sureties, Certificate as to the Surety's Financial Position and oath as to the faithfulness of the administratrix(s). She has also appended to her application minutes of a family meeting and consent of heirs made pursuant to Rule 71 of the Probate Rules, 1963 in proof that she had the blessings of the heirs. was also filed.

Upon the application being filed in this court, on 22nd May 2020, a general citation was issued. The applicant has published the same in the Government

Gazette No. 25 of 19th June 2020 and in Nipashe newspaper of 24/6/2020 whose copies were rendered to the court. So far, no any caveat or objection had been filed in court.

At the hearing of the Applicant who was represented by Ms. Joan Mwesigwa, learned counsel, had nothing substantive to add to the application save for the statement that the applicant has complied with the requirements of the law and qualifies to be granted the letters sought.

Owing to the fact that no caveat has been entered after the citation being published in the Government Gazette and Nipashe newspaper which has a wider circulation and considering that the applicant has complied with the law by filing all the required documents as shown above, I am of the firm view that, the applicant is eligible for appointment and I hereby grant the petition. The applicant is hereby appointed and charged with the duty to administer the estate of the JONATHAN RUGAIMUKAMU EZEKIEL. She is subsequently ordered to exhibit a full and correct inventory of the properties and credits falling under the estate in this court within six months from the date of appointment and to render to this court a true account of the estate in one year after the date of appointment or within such time as the court may from time to time appoint. It is so ordered.

DATED at DAR ES SALAAM this 16th day of November 2020.



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

J.L. MASABO
JUDGE