

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

PROBATE & ADMINISTRATION CAUSE NO 10 OF 2020

IN THE MATTER OF THE ESTATE OF THE LATE PATRICE POTEA

CHIME.....DECEASED

AND

IN THE MATTER OF AN APPLICATION FOR LETTERS OF

ADMINISTRATION BY JONAS PATRICE POTEA.....PETITIONER

RULING

11/12/2020 & 22/12/2020

GWAE, J

The petitioner JONAS PATRICE POTEA has petitioned for letters of administration of the estate of his late father PATRICE POTEA CHIME (diseased) who died intestate on 17th September 2019 at Mt. Meru Hospital. The deceased at the time of his death is said to have a fixed place of abode at Olorien, Arusha District, in Arusha Region.

The petition is further to the effect that the deceased is survived by a widow (PAULETA PETER) and six children namely; BIRGITA PATRICE POTEA, JONAS PATRICE POTEA, PRACID PATRICE POTEA, ANJELINA PATRICE POTEA, LUKAS PATRICE POTEA & PAMELA PATRICE POTEA. The estate that is likely to

be administered by the petitioner is SIXTY-SEVEN (67) ACRES located at OLORIEN – ARUSHA.

The petitioner was able to make a requisite citation through MWANANCHI Newspaper dated 1st December 2020 and when he appeared for hearing the petitioner prayed for the grant of his petition since no caveat has been entered on his petition the petitioner's mother also supported the petition and stated that the family has appointed the petitioner to petition for letters of administration for his late husband.

Together with the petition, the petitioner has attached also a copy of the death certificate of the late PATRICE POTEA CHIME and the minutes of the clan meeting appointing the petitioner.

I have considered the petition and the submissions of both the wife of the deceased and that of the petitioner, accordingly, I see no reason as to why letters of administration should not be granted to the petitioner for the reasons that, one, ever since the petition has been filed in this court together with the citation to the public, no caveat has been entered in respect of the petition or whatsoever, secondly, I have gone through the minutes of the clan meeting the petitioner appears to have been duly appointed by his family with no reservations to petition for letters of administration of the late Patrice Potea Chime, more so even the wife of the deceased who in case is the mother of the

petitioner has blessed the appointment of the petitioner to administer the estate of his late husband.

The corner stone of appointing administrators of deceased estates is solely to protect deceased's properties so as to ensure that they not left unattended or wasted unjustifiably and also to safeguard the interests of those who are intended to benefit from the said properties.

Having said so, I am of the considered view that since the petition has disclosed that deceased left properties it is prudent that such properties fall under the administration of the administrator dully appointed by this court so that the said properties are not misused.

Consequently, the petitioner is granted letters of administration of the estate of his late father PATRICE POTEA CHIME.

The appointed administrator is hereby ordered to administer the deceased's estate in accordance with the law. He is further directed to make and exhibit inventory of the deceased's estate in this court within six (6) months from the date of this ruling and present final accounts after 12 months from the date of this order.

It is so ordered.




M.R. GWAE
JUDGE

22/12/2020