

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF MUSOMA
AT MUSOMA**

CIVIL REVISION NO. 10 OF 2020

SIMBA MAKONGORO..... APPLICANT

VERSUS

MEGAMBA MAKONGORO..... 1ST RESPONDENT
ADAMU MAKONGORO..... 2ND RESPONDENT
MWASUMU MAKONGORO..... 3RD RESPONDENT

(Arising from Probate Appeal No. 5/2020 of the District court of Musoma, originating from Probate and Administration Cause No. 61/ 2014 of the Primary court of Musoma District Court at Musoma Urban)

RULING

18th & 21st December, 2020

Kahyoza, J

The unfortunate truth is that the end does not always justify the means in legal arena. Rules of procedures must be observed, if not, anarchy will reign and uncertainty and unpredictability will be the order of the day. Chief Makongoro Matutu died intestate on 25 09 1958. The Chief was survived by 47 wives and 120 children. The Chief left behind an estimated 150 acres or hectares of farm land, a house, or houses at IKUZU, his palace and a house at Musoma, a source of all troubles. At first, the Chief's family members were orderly and administered the deceased's estate through a committee. The Royal Members appointed the members of the committee. They often replaced them after a period or if they misbehaved.

The deceased's estate was administered informally with less noise from 1958 until 2014. I wish to state I do not mean that all was well from 1958 to 2014. There were misunderstanding and mismanagement, which would be expected from such a big family. In 2014, more problems, chaos, complaints, and mismanagement regarding the administration of the Chief's estate heightened after two members of the royal family, **Megamba Makongoro** and **Adam Makongoro** cannily obtained letters of administration of the late Chief Makongoro Matatu's estate.

Megamba Makongoro and **Adam Makongoro** petitioned to the primary court of Musoma District on the 26/4/2014 to be appointed the administrators of the Chief's estate. They attached the minutes of the chief's family members, they had no the deceased's death certificate. They declared that the Chief left behind 15 wives and 52 children. **Mwasumu Makongoro** led a number of family members to object to the appointment of the **Megamba Makongoro** and **Adam Makongoro** to administer the Chief's estate.

Mwasumu Makongoro's grounds for resisting the appointment of **Megamba Makongoro** and **Adam Makongoro** were two; **one**; that the family member of the deceased did not meet and nominate **Megamba Makongoro** and **Adam Makongoro** to petition for letters of administration of the chief's estate; **two**, that the deceased died intestate thus, he did not appoint executors. The primary court skipped to entertain the objection and appointed **Megamba Makongoro** and **Adam Makongoro** to administer the chief's estate. Determined, **Mwasumu Makongoro** unsuccessfully appealed to the District court. Undaunted,

Mwasumu Makongoro appealed to the High Court. The High Court set aside the appointment of **Megamba Makongoro** and **Adam Makongoro** and quashed the proceedings and judgment of the district court. It ordered the primary court to consider the objection **Mwasumu Makongoro** filed before it appoints the administrator.

The primary court considered the objection. On the 7th August, 2014, the primary court appointed **Megamba Makongoro** and **Adam Makongoro**. **Mwasumu Makongoro** objected **Megamba Makongoro** and **Adam Makongoro** to be appointed to administer the estate. She, **Mwasumu Makongoro** did not petition to administer the estate, it is the primary court's wisdom, which made her the administratrix together with **Megamba Makongoro** and **Adam Makongoro**.

The appointment of **Megamba Makongoro**, **Adam Makongoro** and **Mwasumu Makongoro** to administer the Chief's estate, did not end the complaints or litigations related to the Chief's estate. The appointment changed nature of litigations and complaints. It should be born in mind that the late Chief Makongoro had 47 wives and 120 children. It is therefore, not surprising to find the administration of the estate entangled with conflicts, complaints, misunderstandings, and havoc. Only that, I do not find mismanagement of the estate being the *sine qua non* of the big family, the Chief left behind.

The genesis of **Mwasumu Makongoro's** objection to the primary court to appoint **Megamba Makongoro** and **Adam Makongoro** to administer the Chief's estate was that the latter fabricated the minutes to

induce the court to believe that the chief's family nominated them to administer the estate. The records show that on the 2/9/2013 the family met to nominate a person to administer the estate of Seneta Seleman Makongoro. **Megamba Makongoro** and **Adam Makongoro** took a list of attendances on the 2/9/2013 and fabricated minutes to indicated that they were on the same day nominated to administer the estate of the Chief. Despite the fact **Mwasumu Makongoro** and other family members disowned the meeting, which purported to nominate **Megamba Makongoro** and **Adam Makongoro**, the primary court appointed them to administer the estate. **Mwasumu Makongoro** and other family members who testified proved that **Megamba Makongoro** and **Adam Makongoro** were dishonest by fabricating the minutes. **Megamba Makongoro** and **Adam Makongoro** were not only dishonest but were also criminals. **Megamba Makongoro** and **Adam Makongoro** mismanaged rent they collected from the estate.

It is also on record that during the pendency of Probate and Administration cause No 61/2014 and the appeal originating there from, the court ordered tenants, in the house of the deceased situated at Musoma, the source of all troubles, to deposited rents due to Musoma district court. Tenants complied. Unfortunately for heirs, the district court mismanaged some of the deposited funds. This is one of many complaints, which will not be subject of this Revision.

After, **Megamba Makongoro**, **Adam Makongoro** and **Mwasumu Makongoro** took the sterling wheel to administer the Chief's estate, they mismanaged the estate. The primary court appointed **Megamba**

Makongoro, Adam Makongoro and **Mwasumu Makongoro** (the administrators) on the 6/7/2018 and ordered them to file an inventory. They failed to do and prayed for extension of time to comply with the order. Displeased family members on the trend of administration of the deceased's estate sought the court to revoke the appointment of the administrators. The primary court dismissed all applications. Appeals to the district court were in favour of the administrators.

Displeased family members, apart from taking legal action seeking the administrator to be revoked, took administrative steps. They complained to different offices including the High Court of Musoma. I called the records for inspection and noted that there was a pending appeal before the district court, Probate Appeal No. 5/2020. Given the nature of the complaints, I directed the district court to fast-track the appeal. The district court determined the appeal. Notwithstanding the fact that the district court determined the appeal, complaints still emerged. I resolved to call the records for the second time in a span on six months.

The law, section 30 of the **Magistrates Courts Act**, [Cap 11 R.E. 2019] (the **MCA**) empowers the High Court to inspect the records of the district court for matters, which emanated in the primary court, to *satisfy itself, as to the correctness, legality and propriety of the proceedings and judgment*. Section 30 of the **MCA** stipulates-

*30.- (1) The High Court shall exercise general powers of supervision over all courts in the exercise of their jurisdiction under this Part, **and may at any time***

(a) call for and inspect the record of any proceedings under this Part in a district court or primary court and may examine the records or register thereof; or

(b) direct any district court to call for and inspect the records of any proceedings of the primary court established in its district and to examine the records and registers thereof, in order to satisfy itself, or to ensure that such district court shall satisfy itself, as to the correctness, legality and propriety of any decision or order and as to the regularity of any proceedings therein; and may-

(i) itself revise any such proceedings in a district court;

(ii) where it has exercised its appellate jurisdiction in relation to proceedings which originated in a primary court between or against parties not all of whom were parties to the appeal, itself revise such proceedings in the primary court; or

*(iii) direct the district court to revise any such proceedings in a primary court, and all such courts shall comply with such directions without undue delay. (**emphasis is added**)*

Acting under the above provision of the law, I called and inspected the proceedings of **Probate Appeal No. 5/2020 of the District court of Musoma** and Probate and Administration Cause No. 61/ 2014 plus all the miscellaneous applications filed in the primary court. I noted a number of procedural irregularities. I noted that the courts revitalized the misunderstanding instead of solving. I directed the registry to open revisional proceedings and invite the parties and all persons interested in the matter to appear. I wanted to ensure all heirs have information of what is taking place so as to alleviate complaints. In attendance were the deceased five wives (very old), and seven children. Two of the deceased's children were born long time after the Chief passed on.

All parties, except **Adam Makongoro**, the second respondent, appeared. The registry labeled **Simba Makongoro**, the applicant while it labeled **Megamba Makongoro, Adam Makongoro** and **Mwasumu Makongoro**, the first, second and third respondents respectively. The naming is for the sake of conveniences. After a discussion off the record, I invited the parties to address me on the following issues-

1. Whether the Probate and Administration of Estates Act, Cap. 352 R.E. 2019 is applicable to the probate proceedings originating from the primary court.
2. Whether it is proper for a person appointed to administer the deceased's estate in 2014 to fail to file an inventory in the Form V and Form VI until 6/7/2018 when they were re-appointed with Mwasumu Makongoro.
3. Whether the first two administrators were properly appointed.
4. Is there any reason why this Court should not order the administrators to account for the deceased's estate?

Parties appeared in person and they so addressed the court.

Does the Probate and Administration of Estates Act, Cap. 352 R.E. 2019 apply to probate proceedings originating from the primary court?

The applicant replied that he was not aware if it applied or not. The first respondent remained silent and the third respondent replied that she is not a lawyer.

As the district court's judgment bears testimony, the district court applied the sections 49(1), 107(1), (2) and 108 of the **Probate and Administration of Estates Act, [Cap. 352 R.E. 2019]** to determine the appeal. I will not be labour on this issue, it is obvious that the district court misdirected itself. The **Probate and Administration of Estates Act**, (supra) does not apply to probate and administration cause in the primary court. The primary court has its own set of rules. It was not proper for the district court to apply **Cap. 352 R.E. 2019** to proceedings, which originated in the primary court. It is clear that the district court if not presided over by the district delegate cannot apply **Cap. 352 R.E. 2019**. **The district court, in its appellate jurisdiction, is not a court envisaged by Cap. 352 R.E. 2019.** Section 2 of **Cap. 352 R.E. 2019** defines the court as follows-

*" "court" means the High Court and includes, in any case in which a District Delegate has jurisdiction, a District Delegate, **but does not include a district court**"*

In addition to the above, item 1(2) (a) of the Fifth Schedule to the **MCA** prohibits the primary court to appoint the administrator of the deceased's estate where **Cap. 352 R.E. 2019** applies. That implies that where the primary court appoints an administrator of the deceased's estate the provisions of **Cap. 352 R.E. 2019 do not apply**. Item 1(2) (a) of the Fifth Schedule to the **MCA**, stipulates-

*1.-(2) **A primary court shall not appoint an administrator of a deceased's estate-***

*(a) in respect of an estate to **which the provisions of the Probate and Administration of Estates Act are applicable** or of which a grant of administration has been made under that Act, or of which the administration is undertaken by the Administrator-General under the Administrator-General (Powers and Functions) Act; or (emphasis added)*

In fine, I find that the district court misdirected itself to apply the **Probate and Administration of Estates Act, [Cap. 352 R.E. 2019]** to determine the appeal from the primary court. I would have ended at this point and quashed the proceedings and ordered the district court to determine the appeal afresh. However, given the fact this matter has had a checkered history, I will proceed to determine the rest of the issues.

Is it proper for the administrator of the estate appointed in 2014 to fail to file an inventory in the Form V and Form VI until 6/7/2018?

The record shows that **Megamba Makongoro** and **Adam Makongoro** were appointed in 2014 to administer Chief's estate. They did not file an inventory in the Form V and Form VI until 6/7/2018 when they were re-appointed with **Mwasumu Makongoro**.

The applicant replied to the above question that he did not know whether it was proper or not. The second respondent deposed that they filed the same.

I scrutinized the record and found that **Megamba Makongoro** and **Adam Makongoro** did file some information but not in compliance with the law. **Megamba Makongoro** and **Adam Makongoro** had a legal

duty to exhibit an inventory in **Form V** of a true and complete statement of all the assets and liabilities of the deceased's estate **within four months of his appointment**. This duty is in accordance to rule 10(1) of the **Primary Courts (Administration of Estates) Rules** G.N. No. 49 of 1971. It states-

*10 (1) **Within four months of the grant of administration or within such further time as the liabilities court may allow**, the administrator shall submit to the court a true and complete statement, in Form V, all the assets and liabilities of the deceased persons' estate and, at such intervals thereafter as the court may fix, he shall submit to the court a periodical account of the estate in Form VI showing therein all the moneys received, payments made, and property or other assets sold or otherwise transferred by him.*

There is no record showing that the two administrators filed an inventory and final accounts within the time provided. The remedy for an administrator who fails to discharge his duties is to be revoked. See the case of **Daudi Mahende Kichonge V Joseph Mniko and Others**. Probate and Administration cause No 48 of 1996 (HC DSM Unreported). **Megamba Makongoro** and **Adam Makongoro** are lucky persons, instead of revoking them for failure to file inventory on time, the primary court re-appointed them and appointed **Mwasumu Makongoro** to join the wagon.

In the upshot, I find that it was very wrong for **Megamba Makongoro** and **Adam Makongoro** disregarded their duty to file Form V and Form VI within four months from the date of their appointment. The remedy was to revoke their appointment.

Were the two administrators properly appointed?

I further called upon the parties to address me whether the primary court did properly appoint **Megamba Makongoro** and **Adam Makongoro** to administer the Chief's estate.

The applicant submitted that they were not properly appointed as the family members did not nominate them, i.e **Megamba Makongoro** and **Adam Makongoro** to petition for letters of administration of the Chief's estate. The applicant added that **Megamba Makongoro** and **Adam Makongoro** fabricated the minutes of the family members.

The first respondent contended that they were properly appointed. He averred that the family members met on the 2/9/2013 and appointed them to petition for letters of administration of the deceased's estate. **Megamba Makongoro** stated he was a chairman and **Daudi Makongoro** the secretary. He submitted that the meeting discussed and appointed people to petition to administer the estate of the late Seneta Seleman Makongoro and the late Chief Makongoro.

The third respondent, **Mwasumu Makongoro** supported **Mr. Megamba Makongoro** that the family meeting convened on the 2/9/2013 and nominated people to petition to administer the estate of the late Chief Makongoro and the late Seneta Seleman Makongoro.

I wish to point out at the outset that **Megamba Makongoro** and **Mwasumu Makongoro** are fibbers. The record shows that Seleman Makongoro chaired the family meeting conducted on the 2/9/2013 and

Daudi Makongoro was the secretary. **Megamba Makongoro** did not chair that meeting. He is a liar. Unless **Megamba Makongoro** and **Seleman Makongoro** refer to one person.

I pointed out earlier that **Mwasumu Makongoro** objected to the appointment of **Megamba Makongoro** and **Adam Makongoro**. One of her grounds of objection was that the family members of the late Chief Makongoro did not nominate **Megamba Makongoro** and **Adam Makongoro** to petition for letters of administration, as they fabricated the minutes of the family meeting. **Mwasumu Makongoro** stood up to her averment, when the primary court refused to entertain her objection proceedings, she appealed. She lost the appeal before the district court. Undaunted, she appeared to the High Court, which set aside the appointment of the **Megamba Makongoro** and **Adam Makongoro** as administrators and ordered the primary court to consider her objection. **Mwasumu Makongoro's** struggles paid her dividend. The primary court appointed her without applying, to join **Megamba Makongoro** and **Adam Makongoro** to administer the Chief's estate. After **Mwasumu Makongoro** joined the wagon of administrators, she disowned her own statement and her testimony made under oath that **Megamba Makongoro** and **Adam Makongoro** fabricated minutes. She champions the position that the family members appointed **Megamba Makongoro** and **Adam Makongoro on the 2/9/2013**.

I guess something extraordinary occurred to **Mwasumu Makongoro** to compel her to make a U-turn. Unfortunately for **Mwasumu Makongoro**, the record she made earlier betrays her. She

wrote and made a statement under oath that **Megamba Makongoro** and **Adam Makongoro** fabricated **minutes of the family meeting to indicate that the family appointed them to administer the deceased's estate**. She had a number of family members on her side and some testified. The chairman and secretary of the family meeting conducted on 2/9/2013 testified that they discussed one agenda, that is who should administer the estate of the late Seneta Seleman Makongoro. There is ample evidence that on the 2/9/2013 the family members discussed and appointed a person to administer the estate of Seneta Seleman Makongoro.

In addition, had the family convened on the 2/9/2013 and appointed **Megamba Makongoro** and **Adam Makongoro** to administer the estate of the late Makongoro Matutu, the Chief, why did it take them **seven months** to institute Probate and Administration cause 61/2014 before the primary court. The unexplained delay proves that **Megamba Makongoro** and **Adam Makongoro** were not nominated as alleged or else the family members would have held them accountable.

In end, for reasons state above, I find that **Megamba Makongoro** and **Adam Makongoro** fabricated **minutes of the family meeting to indicate that the family appointed them to administer the deceased's estate**.

I am alive of the fact that the law does not provide that a person interest to petition for letters of administration of the deceased's estate should submit minutes of the clan or family meeting. It is a rule of practice,

which is highly cherished. It is so important so much that it is has become inexorable. This Court (Mlacha, J) held in **Hadija said Matika V. Awesa Said Matika** PC. Civ. Appeal No. 2/2016 that-

"In matters of probate and administration, the clan or family will usually sit to discuss the matter and propose someone to be the administrator. He will be sent to court with some minutes. This practice is encouraged because it makes the work of court easy. But once one or two members of the family have been selected, they should also fill Form No. 1 because filling the form is a legal requirement".

The purpose of the deceased's clan or family meeting is to appoint a person to be the administrator and it serves as a notice under Rule 5(2) of the **Primary Courts** (Administration of Estates) **Rules G. N. 49/1971** (the Rules).

The primary court may legally appoint a person an administrator of the deceased's estate, not previously nominated by a clan meeting where the following procedures are complied with-

1. The petitioner must fill in Form I. This requirement is provided for by rule 3 of the **Rules**. It states-

"3. An application for the appointment of administrator under paragraph 2(a) or 2(b) of the fifth schedule to the Act shall be made in Form 1".

2. Upon receipt of the application (Form1), the Court has to issue a notice in the appropriate Form (to issue citation) to all persons (other than the applicant) known or alleged to be the near relatives of the deceased person or to have been named in the will as executors, requiring their appearance in the court, on such

date and time specified. See rule 5(2) of the **Rules**. A notice or citation under rule 5(2) of the **Rules** informs interested persons that a particular person has applied to administer the deceased's estate and affords them an opportunity to object to his appointment if they so wish. Such a notice if served properly to all interested parties serves the same purpose as a clan or family meeting.

3. The petitioner has to serve the notice to the parties as if it

Transparency is a key to the process of appointing the administrator to avoid scrupulous administrator to mismanage the deceased's estate. It is important to note that the notices under rule 5(2) of the **Rules** should be served in the same manner as summons in civil cases before the primary court, are served.

4. Publication of the notice where necessary.

The court may consider if it is necessary to cause the notice to be advertised by such means as are used locally to make public announcements or by publication in a newspaper. Advertisement is not mandatory unless the court consider it important, the citation or notices if ordered to may be published it has to be so published in the newspaper having a substantial local circulation.

5. The court has to hear the petitioner and the parties present.

After notice is served and the court is satisfied that the notice under rule 5(2) of the **Rules** was so served, it may hear the person present and if no objection is raised appoint the applicant.

It is not mandatory that all persons served with a notice must attend. Once, the court is satisfied that all interested persons were served it will appoint the administrator in their absence. (See rule 6 of the Rules).

In the instant case, **Megamba Makongoro** and **Adam Makongoro** did submit to the primary court authentic minutes of the family meeting to nominate them to administer Chief's estate or serve a notice to all interested person under rule 5(2) of the **Rules**. The rules of procedures were violated. The primary court improperly appointed **Megamba Makongoro** and **Adam Makongoro**.

It is not only that **Megamba Makongoro** and **Adam Makongoro** were improperly appointed, they flopped the procedures but also, they are not trustworthy. They fabricated **minutes of the family meeting to indicate that the family appointed them to administer the deceased's estate. Megamba Makongoro and Adam Makongoro's** act of manufacturing minutes of the family meeting disqualified them from administering the deceased's estate. Item 2 of the **Fifth Schedule** to the **MCA** requires an administrator to be faithful and to make such an undertaking. It states-

2. A primary court upon which jurisdiction in the administration of deceased's estates has been conferred may—

- (a) ...;
- (b) ...;
- (c) ...;
- (d);
- (e) *require an administrator to sign an undertaking to administer the **estate faithfully**;*

(f) *require an administrator to give **security for the due administration of the estate;***

Megamba Makongoro and **Adam Makongoro** were dishonest right from the beginning, there is no undertaking which would have made them administer the estate faithfully. The true colours of **Megamba Makongoro** and **Adam Makongoro** manifested after their appointment. They misappropriated the deceased's estate. The appointment of **Mwasumu Makongoro** did not prevent **Megamba Makongoro** and **Adam Makongoro** from their impregnated intention of misappropriating the deceased's estate. **Megamba Makongoro** and **Adam Makongoro** easily converted **Mwasumu Makongoro**. She fell a prey. She now sings **Megamba Makongoro** and **Adam Makongoro's** song. I guess she said to herself, if you can win them join them.

I further scrutinized the record and found that **Megamba Makongoro** and **Adam Makongoro** gave false information as to the deceased's wives and children in Form No. 1. All that shows that they were not faithful.

Eventually, I find that **Megamba Makongoro** and **Adam Makongoro** did not qualify to be appointed administrators of deceased's estate and that the primary court appointed them without complying strictly, with the procedures under the **Primary Courts** (Administration of Estates) **Rules G.N. 49/1971**.

Is there any reason why this Court should not order the administrators to account for the deceased's estate?

I invited the parties to comment on the last issue whether or not the administrator should not be called upon to account for deceased's estate.

The applicant submitted that the administrators must account. He stated that they have been collecting rent and misappropriating it. He added that they collected rent for 2018 and 2019 and distributed a portion to the heirs. They collected rent for the year 2020 and pocketed it.

The first respondent replied that they could not account as they had two cases in court. The third respondent supported the first respondent's submission.

I hinted that the pivot of the dispute is the house located at Musoma. There is no dispute over the farms in Ikuzu. The house generates income by way of rent. The administrators collect rent from tenants and apply as they wish. It is beyond dispute the administrators collected rent in 2020 and misappropriated it, they have not distributed a single coin to the heirs. They collected rent in January and June, 2020. Thus, the administrators are bound to account and failure to account is criminal offence under section 314 of the **Penal Code** [Cap. 16 R.E. 2020].

I wish to remind the administrators that one of their duties was to file an inventory in Form V within four months from the date of appointment. That is a legal duty. The administrators' other duties and functions are clearly elaborated in **Hadija Saidi Matika and Awesa Saidi Matika**, PC Civil Appeal No. 2 of 2016 [H/C Mtwara Unreported].

Administrators are not beneficiary. They are entitled to benefit as heirs and not as administrators of the deceased's estate. Thus, the duties of the administrators are -

"One, collecting the assets of the deceased. This include both fixed and movables. It also involves going to the bank and collecting what might be there. He can also sue people who may refuse the requests.

Two, to identify the heirs. It is now generally accepted that the heirs under customary law are the spouse or spouses of the deceased and his or her children. Uncles, aunts, sisters and brothers are not heirs. In the absence of a WILL, they should not be given anything save at the free will of the heirs.

Three, to identifying and pay the debts of the deceased.

Four, to distribute the assets to the heir; and

Five, to file inventory and statements of accounts (forms V and VII)."

The administrators in the instant case were dillydallying to discharge their duties. The primary court nominated them improperly and they behaved as if there was no time limit for the administration of the deceased's estate. The administrator's conduct was unwelcome and beyond the spirit of the law. They have to account for assets and funds they collected from the deceased's estate.

Finally, what reliefs should this court give; the **first**; invoke section 30 of the **Magistrates Courts Act** [Cap 11 R.E 2019] to revoke the appointment of the administrators, who are **Megamba Makongoro, Adam Makongoro** and **Mwasumu Makongoro** and quash the

proceedings of the primary court that appointed them. Once that is done the district court's judgment and proceedings have no standing, they obviously crumble. The bases of doing so is that **Megamba Makongoro, Adam Makongoro** and **Mwasumu Makongoro are not faithful as shown above and the primary court improperly appointed them.** I would not have granted that remedy had the administrators distributed the estate. It is the position of the law that if the administration of the estate is not closed it can be vacated. See **Ahamed Mohamed Al Laamar V Fatuma Bakari and Asha Bakari** Civil Appeal No 71/2012 (CAT unreported). The Court of Appeal held that-

"In our respectful opinion, both common sense and logic dictate that one can only annul, repeal, vacate, put to an end, etc. what was previously granted or passed and still operative or existing. Nothing which has already come to an end can be put to an end or vacated."

Secondly, I order the police to arrest administrators, investigate and charge them for misappropriation of deceased's estate for failure to account. The police will report to the Deputy Registrar as to the status of the charges against the administrators. Previously, on the **1st day of December, 2020** I directed the administrators to account for the proceeds of they collected from the estate and file their report on the 15th December, 2020. The administrators neglected to do so. On the 18th December, 2020, I called upon them to explain why did they not file the statement of accounts. The third respondent challenged this Court's power to require them to account. The first respondent requested for two

more days to file the report. The administrators have no intention to account or they thought it is business as usual.

Thirdly, the deceased's estate shall be managed as it used to be before **Megamba Makongoro** and **Adam Makongoro** craftily applied and appointed to administer the estate. I found from the record that there was a committee selected by the late Chief Makongoro's family members had a family bank account. I ordered the rent collected from the house at Musoma to be deposited into the **Familia ya Chief Makongoro** account No. **01J2062253300 at CRDB Bank**. The family of the late **Chief Makongoro Matatu** will spend the amount collected as per their decision through the committee until that time it decides otherwise. Their signatories will be regulated by the bank's policy. The signatories and the Committee will be responsible to the family members.

No order as to costs.

I so order.



J. R. Kahyoza
JUDGE
21/12/2020

Court: Ruling delivered in the presence of the applicant, Megamba Makongoro and Mwasumu Makongorovia virtue court and in the absence of Adam Makongoro, the second respondent. B/C Catherine present.



J. R. Kahyoza
JUDGE
21/12/2020