

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

PROBATE AND ADMINISTRATION CAUSE NO. 60 OF 2019

In the matter of the Estate of the Late **RAJNIKAT CHHAGANLAL**
KANABAR

AND

In the matter of Application for LETTERS OF ADMINISTRATION BY MR.
SHETUL BATAVIA, MR BEEJESH KANABAR AND DR. AMISH KANABAR
PETITION FOR LETTERS OF ADMINISTRATION WITH THE WILL ANNEXED

RULING

Date of last order: 03.03.2020

Date of Ruling: 04.03.2020

EBRAHIM, J.:

Mr. Shetul Batavia, Mr. Beejesh Kanabar and Dr. Amish Kanabar

have jointly petitioned before this Court for grant of probate of the **WILL** of their late father Rajnikant Chhaganlal Kanabar passed on at Dallas, Texas, at the United States of America on 25th June, 2019. The death certificate of the deceased from State Department of State Health Services – Texas with serial no. 142-19-098412 issued on 11th July 2019 has been appended with the petition.

It is further petitioned that the deceased left an executed will and testament and the petitioners i.e. Shetul Batavia, Beejesh Kanabar and Dr. Amish Kanabar the persons named in the Will to be the executors and trustees of the Will.

When this petition came for hearing, Counsel for the Petitioners, Emmanuel Nassor told the court that they have complied with filing of all requisite documents as required by law as well as issuing a general citation in the Daily News of 7th February 2020 and Uhuru Newspaper of 8th February 2020. They also published at page 167 of the Government Gazette of 31st January 2020 with issue no. ISSN 0856-0323.

Mr. Nassoro stated further that reasonable time has passed since the publication i.e. more than 14 days of statutory time and there have not been served with any caveat and are not aware of any. He prayed for the petitioners to be granted with letters of administration.

Indeed, **Section 3 of the Probate and Administration of the Estates Act, Cap 352 RE 2002 ("the Act")** confer jurisdiction to this court in all matters relating to Probate and administration of deceased's estates in granting probate of wills and letters of

administration to the deceased's estate and powers to alter or revoke such grants.

I have carefully gone through the records as well as the petition. The petitioners have indeed filed all the requisite legal forms under the law. The documents include executors affirmation under **Section 66 Rule 65 of the Act**; Consent from Sarla Kanabar as one of the beneficiaries under **Rule 71**; Verification of petition for probate under **section 57(2) and Rule 34** of the Act by Amish K Shah as one of the witnesses to the last Will; Administration Bond with sureties under **section 67 Rule 66**; Certificate as to Surety's Financial Position under **Rule 69**; and the Will. All the assets for execution which are likely to come to the hands of the petitioners are well articulated in the Will annexed.

From the above observation and considering that there are no caveats or objection, I am satisfied that the Petitioners have established sufficient grounds warranting the grant of the Letters of Probate Administration. I therefore grant this application as prayed and **Mr. Shetul Batavia, Mr. Beejesh Kanabar and Dr. Amish Kanabar** are hereby appointed as administrators of the Estate of the **Late RAJNIKANT CHHAGANLAL KANABAR** and the letters of administration

be issued to THEM. **Mr. Shetul Batavia, Mr. Beejesh Kanabar and Dr. Amish Kanabar are** further ORDERED to administer the estate of the deceased and execute the will as required and file the necessary inventory before the Deputy Registrar of the High Court within six month from the date of appointment unless further period is granted. In order to ensure compliance and ascertain the status of the same, the matter shall be mentioned on 3rd September, 2020.

Accordingly ordered

A handwritten signature in black ink, appearing to read 'R.A. Ebrahim', written in a cursive style.

R.A. Ebrahim
Judge

Dar Es Salaam
04.03.2020