

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

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 419 OF 2021

(Arising from Probate and Administration Cause No. 76 of 2021 High Court
at Dar es Salaam)

**IN THE MATTER OF THE ESTATE OF THE LATE FREDRICK
EMMANUEL KWAY**

AND

**IN THE MATTER OF APPLICATION FOR APPOINTMENT OF A
RECEIVER PENDING GRANT OF LETTERS OF ADMINISTRATION**

BY

EMMANUEL FREDRICK KWAY

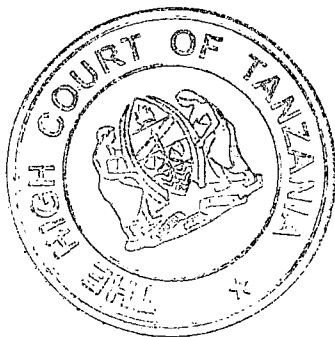
RULING

2/9/2021 & 2/9/2021

This is an application under section 10 of the Probate and Administration of Estate Act [CAP 38 352 R. E. 2019] and rule 24 of the Probate Rules. The prayer is one; to appoint Emmanuel Fredrick Kway as a receiver and operator of transcontinental general supplies limited and its bank accounts No. 015040813400 at CRDB Bank and No. 041103333319 at NBC. The reason for the application is that the operator of the said accounts and shareholder in the said company one Fredrick Emmanuel Kway has passed on. Rehema Fredrick Kway, his wife, has applied for letters of administration of his estate vide Probate and Administration Cause No. 76/2021 of this court. Since she has not been appointed, she



has sworn an affidavit to support this application. At paragraph 9 she avers that the applicant is the operational manager of the company who dealt with finance upon instruction by the deceased which mean he is a trustworthy person who can run the financial affairs of the company pending her appointment as administrator of the deceased estate. It is further averred in the affidavit that unless this application is granted, the company shall incur huge debt and it may be wound up by the director's resolution. I have no reason to doubt the content of the affidavit as to the ability of the applicant to manage the affairs of the company because the deponent is the applicant's mother. Therefore, she is better placed to testified on his conduct. Considering the content of the affidavit as above demonstrated, I hereby grant the application as prayed. The powers of the appointed receiver shall come to an end upon the appointment of the administrator of the deceased estate.



Mugeta
I. C. Mugeta

Judge

2/9/2021

Court: Ruling delivered in chambers before the applicant, his advocate and the petitioner in Probate and Administration Cause No. 76/2021.

Sgd: I. C. Mugeta

Judge

2/9/2021