

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

**AT DAR ES SALAAM**

**PROBATE ADMINISTRATION CAUSE NO. 15 OF 2021**

**IN THE ESTATE OF THE LATE SUSHILA MANILAL DEVANI**

**AND**

**IN THE MATTER OF AN APPLICATION FOR GRANT OF PROBATE**

**RULING**

**Date of last Order:** 04/05/2021

**Date of Ruling:** 11/05/2021

**MLYAMBINA, J.**

Rohit Manilal Devan of Dar es Salaam, Tanzania Petitioned to this Court for grant of Probate of the Estate of the late Suhila Manilal Devani who died at the Shree Hindumandal Hospital in Dar es Salaam on 24<sup>th</sup> January, 2021. It was stated by the Petitioner that: *One*, the said Sushila Manilal Devani deceased is survived by Rohit Manilal Devani her elder son and Nisheet Manilal Devani her younger son being the only persons entitled to inherit the deceased's estate. *Two*, the deceased made a WILL on 16<sup>th</sup> May 2001. *Three*, in her aforesaid WILL the deceased expressly appointed her two sons, the said Nisheet Manilaal Devani and the said Rohit Manilal Devani to be the executors of her WILL. *Four*, the said Nisheet Manila Devani has renounced his appointment as

executor and the said Rohit Manilal Devani is the sole executor of the deceased's estate. *Five*, in her WILL, the deceased had bequeathed her entire estate to her Husband Manilal Mathuradas Devani in the first instance and in the event her husband the said Manilal Mathuradas Devani predecease her, then her entire estate was bequeathed to her two sons, the said Rohit Manilal Devani and the said Nisheet Manilal Devani. *Six*, the deceased's Husband Manilal Mathuradas Devani died on 10<sup>th</sup> June, 2010 and consequently, the said Rohit Manilal Devani and the said Nisheet Manilal Devani are the only persons entitled to the deceased's estate.

According to the Petitioner, the deceased's estate which he will be required to administer comprises of a leasehold Title No. 46639 being a residential apartment on the first floor of the building on Plot No. 2097 Block 5, Ocean Road, Ilala District, Dar es Salaam and a Bank balance at Exim Bank (Tanzania) Limited. The aggregate value of the assets is TZs. 130 Million/=.

It was stated by the Petitioner that at the time of her death, the said Sushila Manilal Devani had a fixed place of bode at Plot No. 2097, Block 5 Ocean Road, Ilala District, within the jurisdiction of this Honourable Court. Moreso, at the time of her death, the said

Sushila Manilal Devani was domiciled in Tanzania and professed the Hindu faith.

The Petitioner assured the Court that no proceedings for grant of Probate or Letters of Administration or otherwise relating to the administration of the deceased's estate have been commenced in any other Court whether inside or outside Tanzania.

At the hearing, Counsel Zacharia Daudi from Kesaria Co. Advocates told the Court that citation was issued through the Government Gazette dated 12<sup>th</sup> March, 2021 at page 4 G.N No. 385 ISSN No. 0856-0323 and through Mwananchi Newspaper dated 12<sup>th</sup> March, 2021 ISSN No. 0856-7573 at page 5. There being no any caveat filed, Counsel Zacharia Daudi, prayed the Petitioner Rohit Manilal Devan be appointed by this Court to administer the estate of the late Sushilal Manilal Devan.

On 4<sup>th</sup> May, 2021 the Court through virtual online hearing examined both Rohit Manilan Devan and Nisheet Manlal Devan. They both proved to the Court on balance of preponderance on all facts stated and verified in the petition.

Having gone through the records, the Court is satisfied that general citation was issued through the Government Gazette, G.N No. 385

dated 12<sup>th</sup> March, 2021 (*supra*) and through Mwananchi newspaper dated 12<sup>th</sup> March, 2021 (*supra*).

The Court is further satisfied that up to the date of issuing this order, no any caveat has been entered by the deceased's relative (if any) or any other member of the Public in Tanzania or Abroad.

Given that 14 days has expired ever since general citation was issued, in terms of *Rule 76 of the Probate and Administration of the Probate and Administration Rules, 1963*, the Court do hereby appoint Rohim Manilal Devan as an Administrator of the estate of the late Sushila Manilal Devani. The Letters of Administration be issued to him. The Administrator is ordered to file with the Court an inventory of the deceased's properties within six months. Mention on 16<sup>th</sup> November, 2021 at 9:00am to ensure compliance. It is so ordered.



**Y. J. MLYAMBINA**

**JUDGE**

**11/5/2021**

Ruling delivered and dated 11<sup>th</sup> May, 2021 in the presence of Counsel Stanislaus Ishengoma for the Petitioner.

**Y. J. MLYAMBINA**  
**JUDGE**  
**11/5/2021**

A handwritten signature in blue ink, consisting of a large, stylized 'Y' followed by 'J. MLYAMBINA'. The signature is written over the printed name and date.