

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**IN THE DISTRICT REGISTRY OF ARUSHA**

**AT ARUSHA**

**PROBATE & ADMINISTRATION CAUSE NO. 6 OF 2021**

**IN THE MATTER OF THE ESTATE OF THE LATE RICHARD N KINGWA  
KWITEGA.....DECEASED**

**AND**

**IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY  
JANETH GEORGE MUKARA.....PETITIONER**

**RULING**

**04/05/2021 & 07/05/2021**

**GWAE, J**

The petitioner **Janeth George Mukara** has duly petitioned for letters of administration of the estate of her late **husband Richard Nkingwa Kwirega** (diseased) who died intestate on the 3<sup>rd</sup> February 2021 following fatal accident at Mdori area within Manyara Region. The deceased at the time of his death is said to have a fixed place of abode at Arusha.

The petition is essentially to the effect that, the deceased is survived by a widow (petitioner) and four children namely; Christina Richard Kwirega, Paul Richard Kwirega, Dennis Richard Kwirega and Angelina Richard Kwirega and the

estate that is likely to be administered by the petitioner is valued at about Tshs. 300,000,000/= comprised of both real and movable assets.

The petitioner was able to make a requisite citation through Nipashe Newspaper dated 8<sup>th</sup> April 2021 and Daily News dated 9<sup>th</sup> April 2021. No caveat that has been entered to date in respect of the petition and therefore hearing of the petition proceeded whereby the petitioner prayed for the grant of her petition so that she can be able to legally administer the estate of her late husband. The petitioner's prayer was also supported by the evidence of one Bernard Kandola who is the young brother to the deceased and a brother-in-law to the petitioner. According to him the family through a clan meeting appointed the petitioner to administer the estate of her late husband.

Together with this petition, the petitioner has attached also copies of the death certificate of the late Richard Nkingwa Kwhitega, Marriage Certificate and the minutes of the clan meeting appointing her and she was able to exhibit the original documents which were duly ascertained by the court.

I have considered the petition and the evidence of both the petitioner and that of the deceased's young brother, I see no reason as to why the sought letters of administration should not be granted to the petitioner for the reasons that, **firstly**, since the petition has been duly filed in this court together with the citation to the public, no caveat whatsoever that has been entered in respect of the

petition at hand, **secondly**, that, I have gone through the minutes of the clan meeting in which I have clearly noted that, the petitioner appears to have been duly appointed by the deceased persons' family to petition for grant of letters of administration of the estate of her late husband and **thirdly**, the petitioner is the legal wife of the deceased person, therefore, she is eligible, greater and immediate interested in the deceased person's estates (see section 33 of the Probate and administration of Estate Act, Ca 352, Revised Edition, 2002 and a decision of the Court of Appeal in **Joseph Shumbusho v. Mary Grace Tigerwa and two others**, Civil Appeal No. 183 of 2016 (unreported). Hence should not be easily denied the right to administer the estate of her late husband unless there are special circumstances given to the satisfaction of the court warranting this court to decide otherwise.

The purpose of granting letters of administration to administrators or probate to executors is mainly to protect deceased person's properties so as to ensure that, they are 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 administratrix dully appointed by this court so that the said properties are not misused or misappropriated.

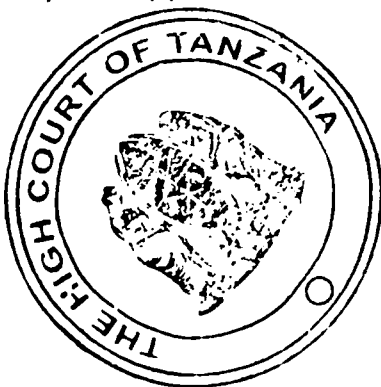
That being said and told and by virtues of section 63 of the Probate and Administration of Estate Act, Cap 352 Revised Edition, the petitioner, **Janeth George Mukara** is hereby appointed as an administratrix of the state of her late husband, **Richard Nkingwa Kwritega**.

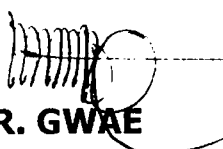
The appointed administratrix is hereby ordered to administer the deceased's estate in accordance with the law. She is further requested to make and exhibit and inventory of the deceased's estate in this court within six (6) months' period from the date of this ruling and equally, to present final accounts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

It is so ordered.

  
**M. R. GWAE**  
**JUDGE**  
**07/05/2021**

**COURT:** Mention on 09/11/2021 for ascertainment of the filling of the inventory by the appointed administratrix.



  
**M. R. GWAE**  
**JUDGE**  
**07/05/2021**