

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

PROBATE AND ADMINISTRATION OF ESTATE CAUSE NO 5 OF 2020

IN THE MATTER of the Estate of the late MARIA PETRO NDARNOI

AND

IN THE MATTER of Application for Letters of Administration by

AYUBU PETER NDARIVOI

PETITION FOR THE LETTERS OF ADMINISTRATION

RULING

11/5/2021 & 11/6/2021

ROBERT, J:-

In this application, Ayubu Peter Ndarivoi sought to be granted letters of administration of the estate of his late mother, Maria Petro Ndarnoi who died intestate on November, 2002 at Mount Meru Hospital in Arusha Region. The petition is accompanied by an affidavit of the Applicant filed under rule 72 of the Probate Rules.

The citation in respect of this petition was issued and published in Habari Leo Newspaper dated 18th July, 2020 at page 23 and in official gazette dated 1st January, 2021 at page 11 but the petition stood

uncontested at least up to the date of hearing on 11th May, 2021. Consequently, the Court remained with a duty of determining whether the Petitioner is fit for appointment as an administrator of estate of the deceased.

At the hearing of this application, the petitioner who testified on oath as AW1 stated that the deceased is his biological mother. The deceased was married to Petro Ndarnoi who died in the year 1990. During her lifetime the deceased, Maria Petro Ndarnoi, was residing at Daraja mbili area in the city and region of Arusha . She had 10 issues and the Petitioner was her last born. According to this petition, the deceased left the following surviving issues: Lightness Petro Ndarivoi (daughter), Stefano petro Ndarivoi (son), Ayubu Petro Ndarivoi (son), Joyce Petro Ndarivoi (daughter), Namnyack Petro Ndarivoi (daughter), Monica petro Ndarivoi (daughter) and Eva petro Ndarivoi (daughter).

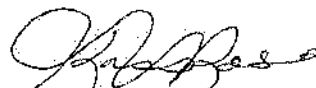
The Petitioner stated further that, the deceased died in November, 2002 at Mount Meru Hospital as evidenced in the Death Certificate which was admitted in court as exhibit P1. After the said death, he was proposed in the clan meeting held on 18/8/2019 to petition for letters of administration of the deceased's estate. A copy of minutes of the clan meeting dated 18/8/2019 was admitted in Court as exhibit P2.

He stated further that the deceased left properties namely; a farm measuring sixteen acres located at Lashaini Village, Monduli District; a five acres farm at Lashaini Village, Monduli District and three heads of cattle. He prayed to be appointed as administrator of the deceased's estate.

Given that this application was dully consented by the clan members and having been published it stood uncontested up to the date of hearing, I find no reason not to grant the orders sought in order to enable the Petitioner to administer the properties left by the deceased for the interest of the surviving dependents and heirs. I therefore grant the letters of administration of estate of the deceased Maria Petro Ndarinoi to Ayubu Peter Ndarivoi and order the administrator to carry out his activities transparently and in accordance with the law.

In view of the provisions of section 107(1) and (2) of the Probate and Administration of Estates Act, Cap. 352, I order the Applicant to file with the court an inventory within six months and accounts of estate within twelve months from the date of this order.

It is so ordered.


K.N. ROBERT
JUDGE
11/6/2021

