

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF ARUSHA
AT ARUSHA
PROBATE & ADMINISTRATION CAUSE NO. 01 OF 2021**

**IN THE MATTER OF THE ESTATE OF THE LATE
JOSEPH MERESOI MOLLEL.....DECEASED
AND
IN THE MATTER OF AN APPLICATION FOR LETTERS OF
ADMINISTRATION BY DONATA ISACK KESSY.....PETITIONER**

RULING

04/06/2021 & 20/08/2021

GWAE, J

The petitioner, **Donata Isack Kessy** is before this court petitioning for letters of administration of the estate of her left husband **Joseph Meresoi Mollel** (diseased) who died intestate on the 21st November, 2016 at Mount Meru Hospital. The deceased at the time of his death is said to have a fixed place of abode at Sokoni one area within Arusha District in Arusha Region.

The petition is to the effect that the deceased is survived by a widow (The petitioner) and four children namely; THOBIAS JOSEPH MERESOI,

NEEMA JOSEPH MERESOI, MICHAEL JOSEPH MERESOI & DORIS JOSEPH MERESOI and that the petitioner was nominated by the clan through the deceased's clan meeting to petition for grant of letters of administration of her late husband's estate. The estate that is likely to be administered by the petitioner is as follows;

- i. One house located at Sokon One, Arusha.
- ii. A farm measuring 2 Acres located at Ngaramtoni.
- iii. Shares at Tanzania Breweries Ltd.

The petitioner ably made a requisite citation through **Mwananchi** Newspaper dated 17th February 2021. No caveat that has been entered to date in respect of this petition. Therefore, hearing of the petition proceeded where the petitioner prayed for the grant of her petition so that she can faithfully administer the estate of her late husband. The petitioner's prayer was also supported by the evidence of one Thobias Joseph, the deceased person's son who consented the appointment of the petitioner to administer the estate of his late father. Together with this petition, the petitioner has attached also a copy of the death certificate whose original was exhibited to the court and the minutes of the clan meeting appointing her.


I have considered the petition and the evidence of both the petitioner and that of his son, I find myself legally bound to grant letters of administration to the petitioner due to the following reasons, **firstly**, ever since the petition has been filed in this court together with the citation to the public, no caveat that has been entered in respect of the petition, **secondly**, I have gone through the minutes of the clan meeting the petitioner appears to have been dully appointed by the family with no reservations to petition for letters of administration of the estate of her late husband and **thirdly**, that, the petitioner is the legal wife of the deceased person, hence she is not only beneficiary of the estate but also the one who is expected to faithfully administer the estate as her own properties. Generally, the petitioner is more eligible person than any person in the deceased's family unless there are special circumstances.

Therefore, 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 an eligible and fit person dully appointed by this court in order to prevent such properties from being misappropriated.

Having discussed as herein above, the petitioner, **Donata Isack Kessy** is hereby appointed as an administratrix of the state of her late husband, **Joseph Meresoi Mollel**.

The appointed administratrix is hereby directed to administer the deceased person's estate in accordance with the law. She is further obliged to make and exhibit inventory of the deceased's estate in this court within six (6) months from the date of this grant and present final accounts after 12 months from the date of this order.

It is so ordered.


M.R. GWAE
JUDGE
20/08/2021

COURT: Mention on 18/01/2022 for ascertainment of the filing of the inventory by the administratrix and related administration businesses.




M.R. GWAE
JUDGE
20/08/2021