

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
MWANZA DISTRICT REGISTRY
AT MWANZA**

MSC. CIVIL APPLICATION No. 99 OF 2021

*(Arising from Probate Appeal No. 07/2021 of this Court which Originates from the
Ruling of Geita District Court in Probate Case No. 01 of 2021 dated 22/04/2021)*

IN THE MATTER OF THE ESTATE OF

THE LATE ABDULRAHMAN OBED NOEL.....DECEASED

AND

**IN THE MATTER OF AN APPLICATION FOR ORDERS
OF DIRECTIONS TO THE APPOINTED RECEIVER
TO REFRAIN FROM EXECUTING DUTIES PENDING
HEARING AND DETERMINATION OF PROBATE APPEAL**

NO. 07 OF 2021 MANASE OBED.....APPLICANT

VERSUS

ZAITUN NASIBU MULJI RECEIVER OF THE LATE

ABDULRAHMAN OBED NOEL.....RESPONDENT

RULING

16th September, 2021

TIGANGA, J.

In this ruling, the applicant applies to this Court under section 14 of the Probate and Administration of the Estates Act [Cap 352 R.E 2019] and Rule 14 (1) (2) and (3) of the Probate Rule GN. 369 of 1963 for the following orders;

- i) That this Honourable Court be pleased to issue an order directing or issue direction to the appointed receiver to refrain discharging or executing its obligations and duties as Administratrix of the estate of the late Abdulrahman Obed Noel pending the determination of Probate Appeal No. 07 of 2021.
- ii) Costs of this application be provided for and
- iii) Any other orders as the Court may deem fit to grant.

The reasons for this application as mainly made clear in the affidavit filed in support of the application are that there is an appeal filed before this court against the decision which appointed the respondent as a receiver, which is Probate Cause No. 01 of 2021 of Geita District Court.

This application has not been objected by the respondent, on the sole ground that since there is an appeal before this court, a focus be directed to the appeal for the same to be heard on merit.

That being the state of affairs, and having considered the prayers in the chamber summons and the reasons for the application as elucidated in the affidavit filed in support of the application, I find merit in the application and grant it save the prayers for costs.

That said, the appointed receiver is hereby directed to refrain from discharging her obligation or duties as Administratrix of the Estate of the late Abdulrahman Obed Noel pending hearing and determination of Probate Appeal No. 07 of 2021.

It is so ordered.

DATED at MWANZA this 16th day of September 2021.



J. C. Tiganga

Judge

16/09/2021

Ruling delivered in open chambers in the presence of the parties on line through audio teleconference, this 16th day of September 2021 as per coram.



J. C. Tiganga

Judge

16/09/2021.

