

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

AT DAR ES SALAAM

PROBATE ADMINISTRATION CAUSE NO. 61 OF 2021

IN THE MATTER OF THE ESTATE OF THE LATE

ANANIA YORAM MWAKATOBÉ.....DECEASED

AND

IN THE MATTER OF A PETITION FOR LETTERS OF ADMINISTRATION BY

LINESS THAMSON KABISSA.....PETITIONER

RULING

28/9/2021 & 27/10/2021

I.C. MUGETA, J.

The petitioner, Liness Thamson Kabissa has petitioned for grant of letters on administration of the estate of the late Anania Yoram Mwakatobe who died intestate on 5/9/2019. The petitioner was the deceased's wife. The deceased had two sons out of wedlock. These are Joseph Anania Mwakatobe and Joram Anania Mwakatobe. When the petition was cited by publication in newspapers, the duo filed a caveat. Consequently the petition turned into a suit. The suit was heard and the petitioner closed her case after causing three witnesseses, including herself, to testify. When the caveators' case opened they prayed to attempt a settlement. A discussion let to the conclusion that the caveat be withdrawn to let the petitioner to be appointed as administrator on condition that the administrator to be appointed shall give the caveators a house in Mbeya and one house (the old house) at Boko.

They further agreed that a DNA test should be conducted to verify if a child Derick was fathered by the deceased. If the answer is in the affirmative, the administrator to recognise him as one of the heirs. Upon registration of that agreement, the caveator prayed and were granted an order to withdraw the caveat. This turned the petition into a non contentious mass and I proceed to appoint the petitioner as administrator of the deceased's estate.

I.C. MUGETA

JUDGE

27/10/2021

ORDER : - Grant of letters of Administration to issue.

- DNA test to be conducted to establish if Derick was fathered by the deceased.
- The administration to file inventory by 29/11/2021
- Hearing on 30/10/2021

Sgd: I.C. MUGETA

JUDGE

27/10/2021