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**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**  
**[IN THE DISTRICT REGISTRY OF ARUSHA]**  
**AT ARUSHA**  
**MISC. CIVIL APPLICATION NO 31 OF 2021**

*(Originating from High Court Civil case no 12 of 2003)*

**YESSER NORMAN ABDULLAH ..... 1<sup>ST</sup> APPLICANT**  
**MOHAMED NORMAN ABDULLA..... 2<sup>ND</sup> APPLICANT**

***Versus***

**JOHN SIKAY UMBULLA**

**(Trading as Imboru chambers) .....1<sup>ST</sup> RESPONDENT**

**METHOD K. KIMOMOGORO**

**(Trading as Imboru chambers) ..... 2<sup>ND</sup> RESPONDENT**

**SIKAY AKONAAY SANG'KA (*Administrator of the Estate of the late AKONAAY SIKAY MUHALEY O'HHAY SANG'KA, Trading as Imboru Chambers*) .....3<sup>RD</sup>RESPONDENT**

**ORDER**

05<sup>TH</sup> JULY & 9<sup>TH</sup> JULY 2021

**MZUNA, J.:**

**Yesser Norman Abdullah** and **Mohamed Norman Abdulla**, the applicants herein jointly as administrators of the estate of the deceased one NORMAN ABDULLAH URBAN have instituted this Application against the Respondents **John Sikay Umbulla; Method Kimomogoro** and **Sikay Akonaay Sang'ka** (administrator of the estate of Akonaay Sang'ka) seeking for this Court to grant the applicants a recovery order in respect of the properties of the deceased to wit plots No. 1 and 2 Block "F", CT No. 7679 & 7680 situated at Njiro within

Arusha City. They lodged this application in their capacities as administrators of the estate of their deceased father.

The application is preferred under Sections 37(1)(b),(e) (sic) of the Land disputes Courts Act, Cap 216 [ R.E 2019] & Section 95 of the Civil Procedure Code, CAP 33 [R.E 2019]. It is supported by an affidavit sworn by both applicants. The respondents filed a joint affidavit stating that they do not intend to contest the application.

Upon the matter coming for necessary orders, the said respondents, insisted that they do not oppose the application as the money which was used in purchase the said plots came from the deceased, being the father of the applicants, though the property was registered under the name of the firm's name.

*The main issue is whether this application should be allowed?*

My close reading of the applicants' application along with the accompanying joint affidavit, which was not challenged by the respondents, I see no reasonable cause not to grant the applicants the prayer sought in the chamber application. As above noted, the applicants are seeking a recovery order in respect of plot No. 1 and 2 Block F, CT No. 7679 and 7680 both measures 2,350 square meter each, situated at Njiro, within Arusha. The claim as per paragraph 11 of their affidavit is based on their appointment of the deceased's estate, their late father, NORMAN ABDUL URBAN.



I am also abreast to the fact that the judgment in Civil Application No. 12/2003 before Mugasha J, (as she then was), concerned a different plot of land not the current plots of land to which this application relates.

That said and done, I hereby grant the applicants an order for recovery in respect of the properties of the deceased NORMAN ABDULLAH URBAN being plots No. 1 & 2, Block F, CT. No. 7679 & 7680 both of 2,350 square meters located in Njiro, Arusha which are registered in the names of three partners respondents' law firm. This order is made in their representative capacities not otherwise. No order for costs.

Order accordingly.



**M.G. MZUNA,**  
**JUDGE.**  
**9<sup>th</sup> July 2021**