

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA

(DC) CIVIL APPEAL NO. 11 OF 2020

(Originating from Misc. Civil Application No. 53 of 2019 before the District Court of
Dodoma at Dodoma)

IMANI JAMBO (as Administratrix of the Estate
of the late KANNAH JAMBO AWADHI).....**1st APPELLANT**

SAID AWADHI MTEZO

(as co- Administrator of Estate of the late
KANNAH JAMBO AWADHI) **2ND APPELLANT**

AND

AWADHI KANNAH JAMBO (as Administrator of Estate
of the late HASSAN JAMBO AWADHI)..... **RESPONDENT**

23/11/2021 & 8/12/2021

JUDGMENT

MASAJU, J

The Appellants, Imani Jambo and Said Awadhi Mtezo, jointly and together unsuccessfully applied in the District Court of Dodoma at Dodoma for an extension of time for them to file an Application for Revision of Probate Cause No. 34 of 2006, hence the appeal in the Court.



The Appellant's Petition of Appeal is made up of five (5) grounds of Appeal.

When the appeal was heard in the Court on the 23rd day of November, 2021 the Appellants were represented by Mr. Nazariyo Michael, Advocate, who adopted the Petition of Appeal to form the Appellant's submissions in support of the appeal in the Court, while the Respondent appeared in person. The Respondent did not contest the appeal in the Court.

The Appellants' reasons for the delay in filing their intended Application for Revision in the District Court have been averred in their Joint Affidavit in the Chamber Summons Application in the Miscellaneous Civil Application No. 53 of 2019 before the District Court of Dodoma. The main reason being that the former administrator of the estate of the late Kannah Jambo Awadhi, one Sufaa Jambo Awadhi, was seriously sick.

The Court is of the considered position that since the Respondent does not contest the appeal in the Court, it would be just to allow the appeal so that the Appellants can pursue their right, if any, by filing their intended Revision in the District Court. The impugned Ruling and the Decree thereof jointly and severally are hereby quashed and set aside accordingly.

That said, the meritorious appeal is hereby allowed. The Appellants shall file their intended Application for Revision, if any, in the District Court of Dodoma within thirty (30) days of this Judgment. The parties shall bear their own cost.



GEORGE M. MASAJU

JUDGE

8/12/2021