

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DODOMA DISTRICT REGISTRY)

AT DODOMA

PROBATE AND ADMINISTRATION CAUSE NO. 7 OF 2021

IN THE MATTER OF THE ESTATE OF THE LATE EMANUEL NOEL MAEDA, DECEASED
AND

IN THE MATTER OF APPLICATION FOR LETTERS OF ADMINISTRATION WHEN
DECEASED DIED INTESTATE, UNDER SECTION 56(1) OF THE PROBATE AND
ADMINISTRATION OF ESTATES ACT [CAP 352 R.E 2002].

BEATRICE EMANUEL MAEDA.....PETITIONER

RULING

05/04/2022

KAGOMBA, J

The petitioner BEATRICE EMANUEL MAEDA of P. O. Box 2111, Dodoma, do hereby Petition for grant of letters of Administration of the Estate of the Late EMANUEL NOEL MAEDA, who died intestate at Kinondoni Dar-es Salaam on 1st September, 2020.

The Petition is made under section 56(1) of the Probate and Administration of Estate Act, [Cap 352 R.E 2002] herein referred as the Act together with rule 39 of the Probate Rules, 1963 herein referred as the Rules. The Petition is supported by the Administration Bond without Sureties subject to section 67 of the Act and Rule 66 of the Rules, affidavit as to domicile sworn by the petitioner under Rule 64 of the Rules, Administrator's Oath under section 66 of the Act and consent under section 71 of the Act and rule 71 of the Rules.

Attached to the Petition are also the death certificate of the late EMANUEL NOEL MAEDA as well as minutes of the family meeting held on 05th September, 2020 where the petitioner BEATRICE EMANUEL MAEDA was nominated to petition for the grant of the Letters of Administration of the estate concerned.

The petition also identifies assets of the late EMANUEL NOEL MAEDA which has been shown in paragraph 4 of the petition. Also in paragraph 6, 7 and 8 of the Petition, the petitioner states that the late EMANUEL NOEL MAEDA had a fixed place of abode in Dodoma and professed Christian religion and that there was no any proceeding for grant of probate or letters of administration of the estate of the deceased which has been commenced before any Court or authority within or outside Tanzania.

The General Citation of the petition made under rules 75 and 76 of the Rules was published in Mwananchi Newspaper dated 13th December, 2021. By the time this petition came for hearing on 29th March, 2022 nobody had appeared to contest the petition of the petitioner to be appointed as administratrix of the estate of the late EMANUEL NOEL MAEDA. Therefore, the petitioner prayed the Court to grant her Petition as her eligibility for the administratrix's role to the deceased's estate has not been contested by anybody.

The petitioner through an oath filed with her petition as indicated hereinabove, has made a commitment before the Court that once the petition is granted, she shall discharge her administrative duties faithfully in accordance with the law.

Having found that the petition before the Court is duly filed and the eligibility of the petitioner has not been challenged as aforesaid, the petition is hereby granted accordingly. As such, the petitioner BEATRICE EMANUEL MAEDA is hereby appointed as the Administratrix of the Estate of the late EMANUEL NOEL MAEDA.

The Administratrix shall discharge her administrative duties in accordance with the Probate and Administration of Estate Act [Cap 352 R.E 2002] and the Probate Rules, 1963 [G.N No. 369 of 1963] by among other things, being timely in execution of her duties and filing of the inventory in this Court within six (6) months of the grant of letters of administration and upon conclusion of the administration of the said estate. The petitioner shall bear her own cost with regard to the filing of the petition.

It is ordered accordingly.




ABDI S. KAGOMBA

JUDGE

05/04/2022