

IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA

(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

PROBATE AND ADMINISTRATION CAUSE No. 83 OF 1991

In the matter of Estate of the Late

KAJETAN PHILIP KOBELO.....DECEASED

AND

In the Matter of Petition for Grant of Letters of Administration in Respect of

Unadministered Assets by **DOROTHY KAJETAN KOBELO..... PETITIONER**

R U L I N G .

The Petitioner Dorothy Kajetan Kobelo, petition for letters of administration of the estate of the late Kajetan Philip Kobelo, following the death of Mr Honory Philip Kobelo who was the administrator of the estate of the late Kajetan Philip Kobelo. The petition is made under section 46 of the Probate and Administration of Estates Act, [Cap.382 R.E 2002] and is supported by an affidavit sworn by the petitioner.

The petitioner was represented by Mr. Yusuph Wambele learned advocate. According to her affidavit, the said Honory Philip Kobelo died leaving part of the estate of the late Kajetan Philip Kobelo unadministrered. The family conducted a family meeting and they

recommended the petitioner to be appointed as the administrator of the deceased estate so that she can finalise administration of the remaining part of deceased estate. General Citation was published in Mwananchi newspaper of 19th March, 2022 and no Caveat was filed to contest the petitioner's petition. Relatives who appeared during hearing, confirmed that the petitioner was recommended for appointment as the administrator of the deceased estate in a family meeting and they had no objection to her appointment to be the administrator of the deceased estate.

Court record indicates that Honory Philip Kobelo was appointed to be the administrator of the deceased estate on 24th day of January, 1992. The said administrator took so long to administer the deceased estate, yet he did not complete his job. I hold so because, he was appointed to administer the deceased estate in the year 1992 but, up to the time of his death, 14th day of March, 2016, he was not done with administration of the deceased estate. Administration of deceased's estate is among issues that need to be done within a shortest period of time as possible. Leaving estates of deceased person unadministered, in most cases, cause misunderstandings between the heirs. It may even create an opportunity for untrustworthy administrators to squander the deceased estate.

Administrators of the deceased estate, in my view, should strive to administer the deceased's estates within a very short period of time as possible in order to protect the estate from being squandered, prevent misunderstanding and chaos in the deceased family and society in general and, most important, assist the family of the deceased to have a smooth transition after the loss of their beloved one.

It is unhealthy to find estate of a person who passed on several decades not completely administered to date.

In consideration of the need to have the estates of deceased persons completely administered, I hereby grant letters of administration of the estate of the late Kajetan Philip Kobelo to Dorothy Kajetan Kobelo under section 46 of the Probate and Administration of Estates Act.

The administrator should file inventory and final accounts by 2nd November, 2022. It is so ordered.

Dated at Dar es salaam this 2nd June 2022.



A handwritten signature in blue ink, appearing to read "Z. D. Mango".

Z. D. MANGO

JUDGE