

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY

AT MWANZA

PROBATE CAUSE NO 05 OF 2022

IN THE MATTER OF THE ESTATE OF THE LATE

PAULIN REMIGIUS KAGARUKI RUGAIMUKAMUDECEASED

AND

IN THE MATTER OF APPLICATION FOR PROBATE BY

CONSOLATHA PAULIN MUKALUGAMBWA1st PETITIONER

GILBERT PAULIN KAGARUKI2nd PETITIONER

RULING

19th & 22nd July, 2022

ITEMBA, J

The late PAULIN REMIGIUS KAGARUKI died on 10th day of December, 2020. He left a will mentioning CONSOLATA PAULIN MUKALUGAMBWA and GILBERT PAULIN KAGARUKI as executors of the will. The two have now filed a petition before this court to be appointed as executors. On 25th June, 2022 the petition was published on Uhuru newspaper. No caveat was filed in opposition of the petition therefore the petition was set for hearing on 19th July, 2022.

The second petitioner Mr. Gilbert Paulin Kagaruki was the sole witness who testified as PW1. He stated that the deceased was his biological father who died on 10th December, 2022 at Bugando Hospital in Mwanza. That the deceased was buried in Igombe, Kashozi within Kagera region on 13th December, 2022. PW1 added that the family was informed by the deceased's grandson that the deceased has left a will. A clan meeting was held and being guided by the deceased's will, the 1st and 2nd petitioners were proposed to be the executors of the deceased's will. It was also Pw1's evidence that the 1st petitioner, his sister, could not appear before the court as she is working in Sumbawanga. PW1 also produced the death certificate of Paulin Remigius Kagaruki, the said minutes of the clan meeting and the Will. These documents were admitted as exhibit P1, P2 and P3 respectively.

I have considered the petition, evidence of the petitioner and the supporting documents thereof, and, as mentioned earlier on the petition is unopposed.

I therefore grant the petition and appoint both petitioners as executors of the deceased's will.

L. J Itemba
Judge
22/07/2022

ORDERS

1. CONSOLATA PAULIN MUKALUGAMBWA and GILBERT PAULIN KAGARUKI are appointed as executors of the will of the deceased PAULIN REMIGIUS KAGARUKI.
2. The executors to file the inventory by 30th September 2022.
3. Hearing on 3rd of October 2022.

Ruling delivered at **Mwanza** under my hand and the seal of this court this 22nd day of July, 2022 in the presence of Advocate Salehe Nassoro for both petitioners.

