

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 5 OF 2022

IN THE MATTER OF THE ESTATE OF

THE LATE SUDHIR NANJI ODHIA

And

**IN THE MATTER OF AN APPLICATION FOR PROBATE BY KAUMUDI
SUDHIR ONDHIA**

RULING

18.07.2022 & 28.07.2022

N.R. MWASEBA, J.

The petitioner herein is a wife of the late Sudhir Nanji Ondhia who died testate at Northwick Park Hospital Harrow, Brent, London, United Kingdom on 28th day of March, 2019. She is seeking before this court for the grant of probate under Section 55 of the Probate and Administration of Estates Act, Cap 352 R.E 2002.

The deceased is survived by three daughters, namely Komal Samani, Keshma Tharkar and Nimisha Karia.

It is pleaded that the petition is made by the petitioner who is named in the last will and testament as the executrix thereof. To ascertain the jurisdiction of this court, the petitioner implored that at the time of her death, the deceased had a fixed place of abode at Arusha and properties within the jurisdiction of this court.

On 31st March, 2022 a citation order was issued to be published in the Government gazette and any other local newspaper with wide circulation. The same was well complied with by the petitioner.

During the hearing of this matter, Ms Clara Sekule and Alice Heri Mushi, both learned counsels represented the petitioner. The deceased's brother one Bineshwar Hanji Odhia was also present.

Ms Mushi submitted that the petitioner had complied with the citation order by publishing in the Government gazette dated 17th June, 2022 and Mwananchi Newspaper dated 22nd April, 2022. She avers that since then she has not been served with any caveat or objection. So, she prays for the petitioner to be appointed as the executor of the last will of his late husband and the petitioner promised to execute the will according to the law. The deceased's brother who was present at the hearing told the court that he had no objection to the petitioner being granted probate.

Having gone through the record and the submission of the learned counsel for the petitioner. I am confident that the petitioner complied with the citation order. It is evident that neither objection nor caveat has been filed in court against the grant of probate. **Rule 76 of the Probate rules** states as hereunder:

"Where a general citation is required to be publish by these Rules or by the court no probate of a will or letters of administration shall be granted until after the expiration of fourteen dear days from the date of the last publication of such citation and unless no caveat or objection has been lodged during that period."

Being guided by the above provision, I find that this petition deserves to be granted due to the fact that the general citation was published in the government gazette dated 17th June 2022 and Mwananchi newspaper dated 22nd April, 2022. To date, more than thirty nine (39) days have expired. Moreover, there is neither caveat nor objection lodged in record. From the foregoing, the probate of a will is granted to the petitioner, one **Kaumudi Sudhir Ondhia**. She will have to execute the last Will and Testament of the late Sudhir Nanji Ondhia accordingly.

Further, she is required to file inventory and final account within six (6) months from today.

It is so ordered.

DATED at **ARUSHA** this 28th day of July, 2022.



A handwritten signature in blue ink, appearing to read "N.R. Mwaseba".

N.R. MWASEBA

JUDGE

28/07/2022