

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 4 OF 2022

**IN THE MATTER OF THE ESTATE OF THE LATE CANUTE ALPHONSO
TRAVAS @CANDIDO ALFONSE TRAVAS OF P. O. BOX 3061 ARUSHA.**

And

**IN THE MATTER OF AN APPLICATION FOR GRANT OF PROBATE BY
DARRYL AGNELO TRAVAS.**

RULING

18.07.2022 & 28.07.2022

N.R. MWASEBA, J.

The petitioner herein is a son of the late Canute Alphonso Travas @ Candido Alfonse Travas @ Canute Travas who died testate at AICC Hospital Arusha, Tanzania on 17th day of October, 2020. He 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 one wife Maria Beatriz and one child Darryl Agnelo Travas, the petitioner herein.

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

On 30th March, 2022 a citation order was issued to be published in the Government gazette and any other local newspaper circulated within the country. The same was well complied with by the petitioner.

When the application was called for hearing, the petitioner appeared in person, unrepresented. The deceased's wife one Maria Beatriz was present too.

The petitioner submitted that he had already complied with the citation order by publishing in the Government gazette dated 6th May, 2022 and Mwananchi Newspaper dated 25th April, 2022. He stated that since then he has not been served with any caveat or objection. Therefore, he craves to be appointed as the executor of the last will of his late father and promised to execute the will according to the law. The deceased's wife and the mother of the petitioner who was present at the hearing told the court that he had no objection to his son being granted probate.

Having gone through the record and the submission of the petitioner. I am assured 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 published 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 clear 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 cited 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 6th May 2022 and Mwananchi newspaper dated 25th April, 2022. To date, more than seventy-one (71) days have expired. Moreover, there is neither caveat nor objection lodged in record. For the said reasons, the probate of a will is granted to the petitioner, one Darryl Agnelo Travas. He will have to execute the last Will and Testament of the late Canute Alphonso Travas @Candido Alfonse Travas accordingly.

More to that, he is required to file inventory and final account within six months from today.

It is so ordered.

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



N.R. Mwaseba
N.R. MWASEBA

JUDGE

28/07/2022