

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

AT TABORA

PROBATE AND ADMINISTRATION CAUSE NO. 2 OF 2021

IN THE MATTER OF THE ESTATE OF THE LATE ZAKAYO BAHUMBA

MAGANGA

AND

IN THE MATTER OF AN APPLICATION FOR LETTERS OF

ADMINISTRATION BY CHRISTINA JAMES CHACHA

JUDGEMENT

Date: 17/05/2022-19/5/2022

BAHATI SALEMA, J.:

In this probate case, the petitioner **CHRISTINA JAMES CHACHA** filed this matter seeking an order for an appointment as administrator of the estate of the late Zakayo Mahumba Maganga who died intestate on 4th August, 2021 as evidenced by the copy of the death certificate admitted as exhibit P1.

According to the petition, which is undisputed, the deceased is survived by four children, namely; Mtwe Zakayo Maganga, Bwire Zakayo Maganga, Baraka Zakayo Maganga and Neema Zakayo Maganga. It was revealed that the deceased was a Tanzanian by birth and professed the Christian faith.

The petition was accompanied by the following documents; an affidavit as to domicile made under Rule 64 of the Probate Rules, GN. No. 10 of 1963; an administrator's oath; an administration bond with surety made under Section 67 of the Probate and Administration of Estates Act, Cap. 352[R.E 2019], and Rule 66 of the Probate Rules; GN No. 10 of 1963, a certificate as to surety's financial position made under Rule 69 of the Probate Rules GN. No. 10 of 1963, consents of heirs made under Rule 71 of the Probate Rules, GN No. 10 of 1963; a death certificate admitted as Exhibit P1, a marriage certificate as P2, and minutes of the family meeting which was tendered and admitted as exhibit P3.

Upon the application being filed in this court, a general citation was issued in the Mwananchi Newspaper dated 3rd March ,2022 on page 25, and the Daily News on 2nd March, 2022 on page 17 according to Rule 75 of the Probate Rules, GN No. 369 of 1963. Following that

general citation, nobody filed any caveat to object to the appointment of the petitioner.

According to Section 52(a) of the Probate and Administration of Estate Act, Cap. 352 [R.E 2019] the petitioner was granted leave to lead her evidence.

During the hearing, PW1 Christina James Chacha, assisted by Mr. Mugaya Kaitila Mutaki, learned senior counsel, testified and her evidence was recorded. She testified that she was appointed by the family meeting held on 29 August, 2021 through agenda no. 4 to administer the Estate of the deceased. The petitioner also testified that the deceased was a resident of Cheyo- Tabora within the territorial jurisdiction of this court. The petitioner testified further that the deceased left various properties whose value was estimated to be more than 100,000,000/=. The family meeting minutes reveal the estate, including buildings, projects, farms, landed properties, businesses and motor vehicles.

Having examined the petition before me, the issue is whether the petitioner is entitled to the letter of administration.

Owing to the fact that no caveat has been entered after the citation being published in Mwananchi newspaper and Daily news which have a

wider circulation and considering that the applicant has complied with the law by filing all the required documents as shown above, I am of the firm view that, the petitioner Christina James Chacha is eligible for appointment. Therefore, she is hereby appointed and charged with the duty to administer in terms of sections 33 (1) and (4) of the Probate Administration of the Estate Act, Cap. 352 [R.E 2019], Rule 84 and Form No. 68 of the Probate and Administration of Estates Rules, GN 10 of 1963.

Order accordingly.



A.BAHATI SALEMA

JUDGE

20/5/2022



Date: 20/5/2022

Coram: Hon. J. Katto, Ag DR

Petition: Present.

B/C Grace Mkemwa, RMA

Mr. Mtaki Advocate: For the applicant and the applicant present in person, the matter is coming for Ruling and we are read if it's prepared.

Court: Prayer granted and ruling is delivered in presence of petitioner in person and her advocate this 20th May 2022.

J. KATTO

Ag DEPUTY REGISTRAR

20/05/2022

Right of appeal explained.




J. KATTO

Ag, DEPUTY REGISTRAR

25/05/2022