

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
TEMEKE SUB - REGISTRY  
(ONE STOP JUDICIAL CENTRE) . . .  
AT TEMEKE**

**PROBATE AND ADMINISTRATION CAUSE NO 9 OF 2021**

**IN THE MATTER OF THE ESTATE OF THE LATE SELEMANI  
OMARY KIPWIMBWI**

**AND**

**IN THE MATTER OF APPLICATION FOR EXECUTION OF A WILL  
AND LAST TESTAMENT OF THE DECEASED BY PILI SELEMANI  
KIPWIMBWI**

**RULING**

**OPIYO, J.**

Before this court is a petition for administration of the estate of the late Selemani Omary Kipwimbwi whereby the petitioner, Pili Selemani Kipwimbwi seeks for probate to execute last will and testament of the said estate. The petitioner averred that the deceased was her father who passed away on 14<sup>th</sup> day of April 2021 at Buguruni Dar es Salaam. She further averred that there was former fraudulent application for the said execution of a will by Hamisi Selemani Kipwimbwi (deceased brother), but the same was later revoked by the High Court, Ebrahim, J., ordering anyone interested to re-initiate the process on 31<sup>st</sup> March 2020 in Misc. Civil Application No. 783/2016. That being the elder sister of the heirs and interested in the estate, she believes that she has the capacity to execute the will of their late father.

Moreover, it was her averment that the deceased named the following persons, his children as his heirs in his last will sought to be executed was survived by the following heirs named therein; Pili Selemani Kipwimbwi (Daughter), Mainga Selemani Kipwimbwi (Daughter), Mwanias Selemani Kipwimbwi (Daughter), Kassim Selemani Kipwimbwi (son), Mwanahamisi Selemani Kipwimbwi (Daughter), Hamisi Selemani Kipwimbwi (son), and Yusuph Selemani Kipwimbwi (son).

She submitted through her advocate, one Salama Chambuso, learned counsel that, she has complied with the citation order and has already published general citation in both the Government Gazette dated 26<sup>th</sup> November 2021 and Mwananchi newspapers dated 18<sup>th</sup> November 2021 at page 25. So far, no caveat has been filed which means the matter remains uncontested. Therefore, the petitioner prays that she be granted probate as prayed as she undertakes to honestly honour the wishes of their late father reflected in his last will.

Upon perusal of the petition and all the necessary attachments and considering the submission of the petitioner, it is noted that petitioner has complied with the citation order. It is also noted that the petition is uncontested for there being no caveat to date, even after publication of the general citation. Although there is no affidavit as to consent of the heirs attached, but as the will did not name the executor, anyone interested, petitioner inclusive, has a right to make such application after previous revocation by the High Court. In view of the compliance with all legal requirements the application is hereby granted. The petitioner, Pili Selemani Kipwimbwi is appointed as an executor of deceased, Selemani

Omary Kipwimbwi, last will attached.. She is directed exhibit a full and correct inventory and final accounts of the assets and credits falling under the estate of the deceased in court within 30 days from the date of this order.



A handwritten signature in blue ink, appearing to read "M. P. OPIYO", is written above a horizontal line.

**M. P. OPIYO,  
JUDGE  
4/3/2022**