

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DAR ES SALAAM DISTRICT REGISTRY)

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 586 OF 2020

In the matter of the estate of the late

ANTONY HUKA..... DECEASED

BETWEEN

In the matter of the application for letters of administration by

GERALDINE HUKA.....PETITIONER

AND

In the matter of the caveat by

MWAMVUA ABDULRAHMAN WAGE.....CAVEATOR

ORDER

The applicant's prayer is for orders resealing the letters of administration granted to her by the High Court of Justice of England and Wales, Principal Registry of the Family Division in the UK. Section 96 of the probate and administration of the Estate Act [Cap 35R R.E 2002] provides:

'The High Court shall, before sealing a probate or letters of administration under this Part, be satisfied, in the case of letters of administration, that security has been given in the sum sufficient to cover the property, if any in Tanzania...'

Having exhibited the inventory of the estate per Rule 101 of the probate Rules, on 29/11/2021, I required the applicant to furnish security to the tune of Tshs. 550,000,000/= as value of the estate for which the resealing is intended.

Todate no security has been filed. Mr. Byabato Stephen, learned advocate for the applicant has admitted they have failed to find the security in cash, bank guarantee or any other form of recognized security. He has prayed the court to lower it to Tshs. 100,0000,000/=.

Mrs Nakazael Tenga for the caveator has resisted the prayer on the ground that the furnishing of security is a legal requirement and it must be equivalent to the inventory. I agree with Mr. Tenga. Therefore, I hereby reject this application under rule 115A (4) of the Probate Rules for want of security. I give no orders as to costs.




I.C. MUGETA

JUDGE

26/08/2022

Court: - Delivered in chamber before the said counsel for the parties.

Sgd: I.C. MUGETA

JUDGE

26/08/2022