

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
(DODOMA DISTRICT REGISTRY)
AT DODOMA**

PROBATE AND ADMINISTRATION CAUSE NO. 4 OF 2021

IN THE MATTER OF THE ESTATE OF THE LATE SALOME DAUDI
PETER MWAMBU

AND

IN THE MATTER OF APPLICATION FOR LETTER OF
ADMINISTRATION

BY CHRISTOPHER PATRICK MWAKALINGA

CHRISTOPHER PATRICK MWAKALINGA.....PETITIONER

3/1/2022 & 3/1/2022

RULING

MASAJU, J

The Petitioner, Christopher Patrick Mwakalinga, being the spouse of the late Salome Daudi Peter Mwambu, has under section 56 of the Probate and Administration of Estate Act, [Cap 352] petitioned the Court for grant of the Letters of Administration of the estate of his Spouse, the late Salome Daudi Peter Mwambu, who died intestate at Muhimbili National Hospital, Dar es Salaam on the 17th day of March, 2018. The Petitioner had been granted the letter of Administration of the estate of the late Salome Daudi Peter Mwambu by Arusha Urban Primary Court but the same was nullified for want of the said Primary Court's jurisdiction, hence this Petition in the Court.

The Petition names the surviving relatives of the late Salome Daudi Peter Mwambu, in paragraph 2. The assets that form the estate of the late Salome Daudi Peter Mwambu have been stated in paragraph 4 of the Petition. The said Salome Daudi Peter Mwambu, was a Tanzanian and professed Christianity.

The Petition is being supported by the legal instruments thus, the Affidavit as to the Deceased's Domicile, Administrator's Oath, Chamber Summons Application made under Rule 67 (1) of the Probate Rules, 1963 for dispensing with a bond, the petitioner's Affidavit on his interest in the assets that form the estate of his late spouse Salome Daudi Peter Mwambu, Certificate as to Surety's Financial Position, the Petitioner's Affidavit on consent of heirs not available, the Petitioner's Affidavit on Sole Administrator. There are also Certificate of Marriage between the Petitioner and the late Salome Daudi Peter Mwambu and the Certificate of Death of the late Salome Daudi Peter Mwambu.

The General Citation of the Petition was published in MWANANCHI NEWSPAPER dated the 17th day of December, 2021. So far there has been no objection or caveat filed in the Court against the Petition.

When the Petition was called upon for hearing today the 3rd day of January, 2022, the Petitioner appeared in the Court alongwith his learned counsel, one Alpha Ng'ondya. The learned counsel prayed the Court to adopt the Petition alongwith the legal instruments and documents thereof to form submissions in support of the Petitioner now that the petition has not been contested. The learned counsel prayed the Court to grant the Petition accordingly. That is all by the Petitioner.

There is the Petitioner's Oath that in the event he was appointed the Administrator of the estate of his spouse, the late Salome Daudi Peter Mwambu, he will discharge his administrative duties fairly to all heirs of the late Salome Daudi Peter Mwambu. The heirs apparent to the estate are Christopher Patrick Mwakalinga, the spouse of the late Salome Daudi Peter Mwambu and their two biological sons, namely, Aron Daudi Mwambu and Patrick Christopher Mwakalinga.

By the time when the Petition was heard in the Court nobody had contested the Petitioner's eligibility for appointment of the administrator of the estate of his late spouse, Salome Daudi Peter Mwambu. That being the case, the petition is hereby granted accordingly. The Petitioner, Christopher Patrick Mwakalinga, is hereby appointed Sole Administrator of the estate of the late Salome Daudi Peter Mwambu. He shall faithfully, diligently and timely discharge his administrative duties in accordance with the Probate and Administration of Estates Act, [Cap 352 RE 2002], The Probate Rules, 1963 thereof and any other relevant laws thereof, including filing of the Inventory in the Court upon conclusion of the administration of the estate within six months of his appointment. The Petitioner shall bear his own costs accordingly.




GEORGE M. MASAJU

JUDGE

3/1/2022