

**IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA
MOSHI DISTRICT REGISRTY
AT MOSHI**

Misc. Civil Application No. 02 of 2022

**IN THE MATTER OF PROBATE AND ADMINISTRATION OF
ESTATES ACT, CAP 352, R.E 2002**

AND

**IN THE MATTER OF THE ESTATE OF THE LATE ESTOMIH
ELIKANENYI SHOO**

AND

**IN THE MATTER OF AN APPLICATION FOR RESEALING OF
LETTERS OF ADMINISTRATION GRANTED TO AIKA AMY ANITA
OMARI AS ADMINISTRATRIX OF THE ESTATE OF THE LATE
ESTOMIH ELIKANENYI SHOO**

RULING

14/7/2022 & 12/8/2022

SIMFUKWE, J

This is an application for resealing of letters of administration in respect of the estate of the late Estomih Elikanenyi Shoo granted outside the United Republic of Tanzania. The application has been brought under **section 4 and section 95 of the Probate and Administration of Estates Act, Cap. 352, R.E. 2002** and **Rule 98 of the Probate Rules**. The application is supported by an affidavit sworn by Mr. Martin Kilasara, the learned counsel for the applicant.



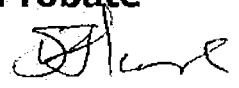
Briefly the genesis of this application is to the effect that on 5th day of November, 2010 the High Court of Justice, District Probate Registry at Liverpool granted letters of administration to Aika Amy Anita Omari (applicant) as administratrix of the Estate of the late Estomih Elikenenyi Shoo who died intestate on 12th day of February 2009 at Wales, Liverpool in England and having a fixed place of abode and assets there.

It has been alleged by the applicant that the deceased has properties in Tanzania, hence, she had to file the instant application for resealing so that she can also administer the deceased's estates in Tanzania.

The Notice of Application for Resealing was issued and published in Mwananchi Newspaper dated 25th April, 2022 at page 25. The application was uncontested and so the court proceeded with the hearing. During the hearing of this application, the Applicant was represented by Mr. Martin Kilasara, learned counsel.

Submitting in support of this application, Mr. Kilasara stated that the applicant was granted letters of Administration of the estate of the late Estomih Elikenenyi Shoo by the High Court of Justice of the District Probate Registry at Liverpool. He said that the deceased has a property situated at Kindi village within Moshi Rural District which the Applicant intends to administer in the course of disposing her duties as Administratrix.

Mr. Kilasara prayed the notice of Application for resealing which was issued by this court on 6th April 2022 and published on 25/4/2022 at page 25 of Mwananchi newspaper be adopted by the court to form part of the proceedings. The learned advocate also informed the court that they have not been served with any objection in terms of **Rule 100 of Probate**



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Rules. Thus, by necessary implications this application remains unopposed.

The learned counsel prayed for resealing of letters of administration of the late Estomih Elikenenyi Shoo by Aika Amy Anita Omari.

Having considered the above submissions, the affidavit of the learned advocate for the applicant, under **section 95 of the Probate and Administration of Estates Act** (supra) in order for the letters of administration granted outside Tanzania to have effect in Tanzania, the Applicant ought to apply for resealing of letters of administration and such grant must be from the commonwealth country.

In this matter, the applicant has presented to this Court a copy of letters of administration granted by the High Court of Justice, District Probate Registry at Liverpool in the United Kingdom, which is a commonwealth country (annexure A1). The application for resealing of the said letters of administration remained uncontested after being published. Considering that fact, this court finds that this application meets the requirements of **section 95 of the Probate and Administration of Estates Act** (supra) as well as **Rule 98 of Probate Rules**. Thus, I find no reason for not granting the orders for resealing of the letters of administration as prayed.

Consequently, I hereby make an order for resealing of letters of administration granted to the Applicant by the High Court of Justice, District Probate Registry at Liverpool, so that the applicant can also administer the deceased's estates in Tanzania. I hereby direct the Deputy Registrar of the Court to endorse a certificate thereon **under Rule 103 of the Probate Rules of 1963**.



It is so ordered.

Dated and delivered at Moshi, this 12th day of August, 2022.



A handwritten signature in black ink, appearing to read "S. H. Simfukwe".

S. H. SIMFUKWE

JUDGE

12/8/2022