

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF ARUSHA

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 2 OF 2020

**IN THE MATTER OF THE ESTATE OF THE LATE EVARISTA REMMY
MSAKI**

AND

**IN THE MATTER OF APPLICATION FOR LETTERS OF
ADMINISTRATION BY RUDOLF AIKAMBE MSAKY**

PETITION FOR THE LETTERS OF ADMINISTRATION

(Made under Section 56 of the Probate and Administration of Estates

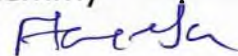
Act, [Cap 352 R.E 2002]

RULING

28/09/2022 & 28/09/202

MWASEBA, J.

The petitioner, Rudolf Aikambee Msaky, petitioned for the appointment as
an administrator of the estate of the late Evarista Remmy Msaki who died



intestate on 12th day of June, 2018 at St. Elizabeth Hospital- Arusha. The deceased left surviving with the following dependants;

- i) Rudolf Aikambee Msaky – Son
- ii) Armgard msaki – Daughter
- iii) Valentina Msaki- Daughter

In this application, Mr Ngereka Miraji learned advocate represented the petitioner. To ascertain the jurisdiction of this court, the petitioner implored that at the time of her death, the deceased had a fixed place of abode at Arusha and properties within the jurisdiction of this court.

On 21st day of January, 2020 a general citation was issued to be published in the Government Gazette and any other local newspaper widely circulated in the country. The same was well complied with by the petitioner as evidenced by the Government gazette dated 14th day of February, 2020, and in Mwananchi Newspaper dated 29th day of January, 2020.

Prior to the hearing of the petition, the person named Emmanuel Thomas Melleare raised a caveat objecting the petitioner Rudolf Aikambee Msaky to be appointed as administrator of the estate of the late Evarista Remmy Msaki for the reason that the deceased left a Will which appointed him as

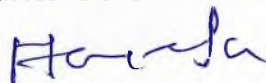
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an executor of the said Will. At the end of the hearing of the raised caveat the court dismissed it for want of a valid Will.

Following the decision of the court regarding the caveat raised, the petition for grant of letters of administration proceeded for hearing. On behalf of the petitioner, Mr Ngereka submitted that this application has been pending before the court for more than two years, and the deceased's properties are yet to be administered. He prayed for the petitioner to be appointed as the administrator of the estate of the late Evarista Remmy Msaki, since the caveat has already been dismissed.

Having gone through the record and the submission of the learned counsel for the petitioner. I am confident that the petitioner complied with the citation order. It is evident that the caveat raised against this application had already been dismissed on 28/09/2022 for want of a valid Will.

Since all the requirements were met by the Petitioner, and the caveat raised has already been disposed of, I hereby appoint **Rudolf Aikambee Msaky** to be the administrator of the deceased's estate one **Evarista Remmy Msaki**. He will have to administer the estate according to the law and file Inventory and Final Accounts before this court within six (6) months from today.



It is so ordered.

DATED at **ARUSHA** this 28th day of September 2022.



A handwritten signature in blue ink, appearing to read "N.R. Mwaseba".

N.R. MWASEBA

JUDGE

28/09/2022