

**IN THE HIGH COURT OF UNITED REPUBLIC OF TANZANIA**

**TEMEKE SUB- REGISTRY**

**(ONE STOP JUDICIAL CENTRE)**

**AT TEMEKE**

**PROBATE AND ADMINISTRATION CAUSE NO. 177 OF 2022**

**IN THE MATTER OF THE ESTATE OF THE LATE ZACHARIA HANS  
POPPE**

**AND**

**IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF  
ADMINISTRATION BY;**

- 1. ALDO HANS POPPE .....1<sup>ST</sup> APPLICANT/PETITIONER**
- 2. ANGEL ZACHARIA POPPE.....2<sup>ND</sup> APPLICANT/PETITIONER**
- 3. ABEL ZACHARIA POPPE.....3<sup>RD</sup> APPLICANT/PETITIONER**

**RULING**

**OPIYO, J.**

The Petitioners made application to be appointed administrators pendente lite pending determination of Probate and Administration cause No. 177 of 2022. The application is made under certificate of urgency. Under section 38 of PAEA and Rule 50 of the Probate Rules. It is

supported by the affidavit of the applicants highlighting the reasons for the application.

Advocate Emanuel Msengezi assisted by ALphonve Nachipyaangu represented the applicants. In explaining the reasons as per the affidavit in support of the application Mr. Msengezi submitted that the reasons for the application include the fact that there is a matter pending, before the High Court Dar es Salaam Zone in which the deceased was a party (Civil Case No. 184/2017) and the case is about to abate in case the administrator of the estate is not impleaded. As determination of the probate case is still has a long way to go there is a necessities to appoint the administrators pending that, He also submitted that deceased being a businessman he had Loan from Various financial institutions who have already initiated movements to attach his properties. There is therefore and urgent need to step in his shoes to deal with that.

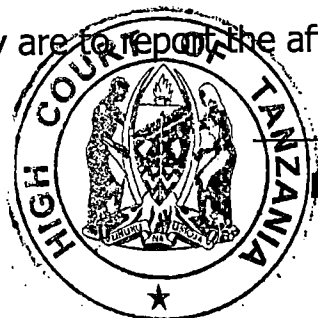
Furthermore, he submitted that the deceased was a majority shareholder, in a number of companies including ZHPOPPE, ... of which after his death, a lot of decision cannot be made as the companies are only ran by one minority shareholder.

Lastly that there are deceased children who are still dependants and needs means of survival and furthering their education. As of now there are business which are randomly ran and the children are not benefiting

I considered the submissions of the petitioners counsel. Section 38, the provision upon which the application is preferred stated that;

*"Pending the determination of any proceedings touching the validity of the will of a deceased person or for obtaining or revoking any probate or any grant of letters of administration, the court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator other than the right or distributing such estate, and every such administrator shall be subject to the immediate control of the court and shall act under its direction"*

From the above section, it is vivid that the *pendente lite* administration is grantable pending the grant of letters of administration to enable management of the estate before such grant. The reasons the applicants have enumerated as summerised above shows the necessity for that grant *pendente lite* before the grant of letters they have also applied for pending before this same court. For the grant of letters of administration, there are a number of compliances to be reached before it materializes. On top of that, businesses that were conducted by the deceased have to go on as usual. For the reason the three petitioners are appointed administrators pendent lite of the estate of the late **ZACHARIA HANS POPPE** under section 38 of the PAEA, Cap. 352 RE 2022. As they are to administer the estate under the supervision of the court they are to report the affairs of the estate in court on 27/10/2022.



A handwritten signature in black ink, appearing to be "M.P. OPIYO", written over a horizontal line.

**M.P. OPIYO,  
JUDGE  
23/9/2022**