

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

[ARUSHA DISTRICT REGISTRY]

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE No.08 OF 2022

IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF THE ESTATES

ACT [ACT NO. 09 OF 1963]

IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE ZAKARIA

KINYALA TESHA

AND

IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF

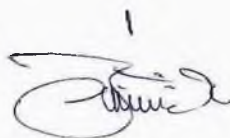
ADMINISTRATION BY EVANCE ZAKARIA TESHA

RULING

18th & 31th October, 2022

TIGANGA, J.

On 01st March 2022, at Selian Hospital, the late Zakaria Kinyala Tesha died intestate living behind one wife namely Athanasia Zakaria Tesha, and thirteen children, namely; Lilian Zakaria Tesha, Paulo Zakaria Tesha, Irene Zakaria Tesha, Zahara Nashuru Mussa, Erick Zakaria Tesha, Beatrice Zakaria Tesha, Vedasto Zakaria Tesha, Albina Zakaria Tesha, David Zakaria Tesha, Innocent Zakaria Tesha, Nancy Zakaria Tesha, Silvia Zakaria Tesha and last is the petitioner himself Evance Zakaria Tesha. He was according to the petition for the letter of the estate and the evidence by the petitioner and the witnesses who supported him, that is, Athanasia Zakaria Tesha who

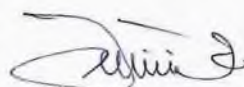
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testified as PW2, and Paulo Zakaria Tesha, who testified as PW3, at the time of his death, the deceased had the fixed place of abode in Arusha and the property likely to fall under the estate are in Arusha within the jurisdiction of this Court.

According to the evidence, after the demise of the deceased, the family unanimously appointed and recommended the petitioner to petition for letters of Administration of the estate of the deceased. The properties likely to form the estate of the deceased are cash money, motor vehicle shares and landed property which all are estimated to be worth Tshs. 500,000,000/=

He also left behind a number of properties in form of shares with various company, cash money in Bank Accounts and other business enterprises in Tanzania and probably elsewhere.

As earlier on pointed out, after the demise of the deceased, the family conducted a meeting in which they appointed and recommended one Evance Zakaria Tesha one of the son of the deceased, to be appointed as the administrator of the estate. Following that appointment and recommendation of the said Evance Zakaria Tesha, he filed this petition seeking to be appointed as the administrator. His petition was attached and

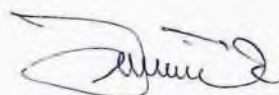
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supported by the death certificate of the deceased which proves that, the deceased died on 01th March, 2022.

The petition was accompanied by the affidavit as to domicile by the petitioner made in terms of Rule 64 of the Probate Rules, the Administrators Oath made in terms of section 66 of the Probate and Administration of the Estate Act Cap 352 R.E. 2002 and Rules 39(c) and 65 of the Probate Rules. Administrators bond with sureties made under S. 67 of the Act and Rule 66 of the Rules, the certificate as to sureties' financial position made under Rule 69 of the Probate Rules and the Consent of the heirs made under Rule 71 of the Rules.

By the order of this court the citation was issued which was published in the Government Gazette Issue No. 22, dated 03rd June, 2022 as well as in Mwananchi Newspaper dated 02th June 2022. But up to the moment the case was heard that is on 18th October, 2022 no caveat has been entered.

In a bid to satisfy itself on the fitness, faithfulness and trust worth of the petitioner, the court called upon the petitioner to call the beneficiaries to testify in court. Three witnesses who testified, that is the petitioner himself, who testified as PW1, the wife of the deceased who testified as PW2, and one of the son, who testified as PW3 all supported the appointment of the

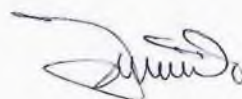
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petitioner. They described him as a person of high integrity, God fearing, trustful, faithful and whom they have no doubt that he will administer the estate at the standard set by law and thereby meet their expectation.

Basing on the credit given to the petitioner, by the fact that, no caveat has been entered, I am convinced to believe that, the petitioner is a fit person to be appointed as Administrator of the estate of the deceased.

In terms of section 33 of the Probate and Administration of the Estate, Act, I do hereby allow the petition, and appoint Evance Zakaria Tesha as the Administrator of the estate of the deceased Zakaria Kinyala Tesha who shall be required to do the following:

- i. To collect the estate of the deceased.
- ii. To file an inventory in court within four months, that inventory must contain the actual and accurate list of the already collected estate of the deceased.
- iii. After so filling the inventory, the court shall order him to go and pay and clear debt due to the deceased.
- iv. Where after in six months of his appointment, the administrator shall be required to file in court, the final account with the detailed distribution of the said estate to the entitled heirs.

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- v. Mention to ascertain as to whether inventory has been filed be on 28/02/2023.

It is so ordered.

DATED at **ARUSHA**, this 31st day of October, 2022.




J. C. TIGANGA

JUDGE