

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

PROBATE AND ADMINISTRATION CAUSE NO. 5 OF 2022

In the matter of the estate of the late Onesphor Ambangile Luhungu
And

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

1. JOYCE LUHUNGU KYANDOPETITIONER
2. JASON KYANDOPETITIONER

6/10/2022 & 19/10/2022

RULING

MASAJU, J

The Petitioners, Joyce Luhungu Kyando and Jason Kyando, residents of Dodoma and Dar es salaam respectively in the United Republic of Tanzania, have petitioned the Court for the grant of Letters of Administration of the estate of the late Onesphor Ambangile Luhungu, who died interstate at the General Hospital Dodoma on the 2nd day of May, 2020.

The Petition is made under section 56 (1) of the Probate and administration of Estates Act [Cap 352] supported by the 1st Petitioner's Affidavit as to the late Onesphor Ambangile Luhungu's Domicile, Administrators' Oath, Administration Bond without surety, General Citation, consent of Heirs, the late Onesphor Ambangile Luhungu's family meeting which meeting, *inter alia*, nominated the Petitioners to apply for grant of Letters of Administration of the estate of the late Onesphor Ambangile Luhungu. Hence this Petition.

The Petition, *inter alia*, identifies and states under paragraph 4 the movable and immovable assets which belong to the estate of the late Onesphor Ambangile Luhungu which shall be subject of their administrative mandate in case the Petition is granted. In the 7th and 8th paragraphs of the Petition, the Petitioners state that the late Onesphor Ambangile Luhungu was a Tanzanian who professed Christianity religion and that there was no proceedings for grant of probate or letters of administration of the estate which has been commenced before any other court or authority within the country or elsewhere. The 2nd paragraph identifies the names of the beneficiaries of the estate of the late Onesphor Ambangile Luhungu including the 1st Petitioner.

The General Citation of the Petition under Rule 75 of the Probate Rules, 1963 was published in the Mwananchi daily newspaper dated the 10th day of September, 2022. The copy thereof has been filed in the Court. By the time the Petition was heard in the Court on the 6th day of October, 2022 nobody had contested the Petitioners to be appointed the administrators of the estate of the late Onesphor Ambangile Luhungu.

The Petitioners appeared in persons and adopted the Petition along with all legal instruments thereof plus the minutes of the late Onesphor Ambangile Luhungu's family meeting and Mwananchi newspaper to form part of the submissions in support of the Petition accordingly. They prayed the Court to grant the Petition accordingly, for their eligibility for appointment of administratrix and administrator of the estate had not been contested.

With this in mind, since there is the 1st Petitioner's oath, that in the event the Petition is granted and they are appointed Administratrix and Administrator of the estate of the late Onesphor Ambangile Luhungu they

will discharge their administrative duties faithfully in accordance with the law, including filing the inventory thereof within six (6) months of the grant of the Letters of Administration of the estate, the Petition is hereby granted.

The Petitioners, Joyce Luhungu Kyando and Jason Kyando, are hereby appointed Administratrix and Administrator of the estate of the late Onesphor Ambangile Luhungu. They shall faithfully, diligently and timely discharge their administrative duties in accordance with The Probate and Administration of Estate Act, [Cap 352], The Probate Rules, 1963 thereof and any other relevant laws thereof, including filing the inventory in the Court upon completion of the administration of the estate within six (6) months of the appointment.

The costs of the Petition shall be borne by the petitioners themselves accordingly.




GEORGE M. MASAJU

JUDGE

19/10/2022