

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
MWANZA DISTRICT REGISTRY**

AT MWANZA

PROBATE AND ADMINISTRATION CAUSE NO. 14 OF 2022

IN THE MATTER OF THE PETITION

FOR LETTERS OF ADMINISTRATION BY

RAKESH ARUNKANT MAKHECHA..... PETITIONER

AND

IN THE MATTER OF THE ESTATE OF

ASMITA ARUNKANT MAKHECHA.....DECEASED

RULING

14th & 15th December, 2022

M. MNYUKWA, J

In this probate case, the petitioner Rakesh Arunkant Makecha, who is the biological son of the deceased, one Asmita Arunkant Makecha petitioned for letters of administration of the estate of his late mother who died intestate on 13th May 2015 as evidenced by the copy of the death certificate admitted as Exhibit P1.

According to the petition which is undisputed, the deceased is survived by the following relatives namely: -

- (i) Rakesh Arunkant Makhecha (son)



- (ii) Reshma Arunkant Vithlani (daughter)
- (iii) Nayna Rakesh Makhecha (daughter in law)
- (iv) Shyam Rakesh Makhecha (grandchild)

The petition was accompanied by the following documents; an affidavit as to domicile filed under Rule 64 of Probate Rules GN 369 of 1963, the administrator's oath in terms of section 66 of the Probate and Administration of Estate Act, Cap 352 RE 2019 and Rule 65 of the Probate Rules GN 369 of 1963, Administration Bond with sureties in terms of section 67 of Probate and Administration of Estate Act Cap 352 R. E 2019 and Rule 66 of Probate Rules GN No. 369 of 1963, certificate as to sureties financial position in terms of Rule 69 of the Probate Rules GN 369 of 1963, death certificate admitted as Exhibit P1 and minutes of the family meeting which was tendered and admitted as Exhibit P2.

After the matter was filed, a general citation was issued in the Government Gazette dated 25th November 2022 as well as Mwananchi Newspaper dated 23rd November 2022. Following that general citation, no body filed any caveat to object the appointment of the petitioner. At the hearing, the petitioner testified and his evidence was recorded. He testified that she was the only son of the deceased and he was appointed



by the family meeting to administer the estate of her mother, the deceased. The family meeting was conducted on 20th December 2020.

The petitioner's appointment as the administrator of the deceased's estates was joined hands with the evidence of Nayna Rakesh Arunkant who is the daughter in law of the deceased who testified to the effect that they have appointed the petitioner who is the son of the deceased to administer the estate of the deceased, Asmita Arunkant Makhecha.

The petition reveals the estate that are likely to come to his hands includes;

- (i) A House situated on Plot No 20 Block D Balewa Street, Shinyanga.
- (ii) Flat houses at Dar es Salaam.
- (iii) Shared Certificate in different Companies

After I examined the petition and the documents filed in support of it, I am satisfied that, the petitioner Rakesh Arunkant Makhecha is a fit person to administer the estate of the deceased. Therefore, he is hereby appointed in terms of **section 33 (1) and (4) of the Probate and Administration of the Estate Act, Cap 352 RE. 2019** to administer the estate of Asmita Arunkant Makhecha, the deceased and shall truthfully and faithfully do so.




Following such appointment, it is hereby ordered that: -

- (a) The appointed administrator be given a letter of appointment as administrator of the estate of the deceased. The Registrar shall cause to be filled form 68 of the schedule to the Probate Rules.
- (b) The appointed administrator should carry out his duties of collecting the properties of the deceased, paying debts owned by the deceased, distributing the estate of the deceased to his heirs and;
- (c) The appointed administrator should file inventory of the estate and file account thereby closing the administration process within six months.

It is so ordered

Dated at Mwanza this 15th day of December, 2022




M. MNYUKWA
JUDGE
15/12/2022

Court: Ruling delivered today in presence of the counsel of the petitioner.


M. MNYUKWA
JUDGE
15/12/2022