

**IN THE HIGH COURT OF TANZANIA**  
**MWANZA DISTRICT REGISTRY**  
**AT MWANZA**  
**PROBATE AND ADMINISTRATION CAUSE NO. 13 OF 2021**  
**IN THE MATTER OF THE PETITION**  
**FOR LETTERS OF ADMINISTRATION BY**  
**YASINTA BALTHAZAR DAUD..... PETITIONER**  
**AND**  
**IN THE MATTER OF THE ESTATE OF**  
**FLAVIANA NICHOLAUS KIFIZI.....DECEASED**

**RULING**

24<sup>th</sup> & 30<sup>th</sup> March, 2022

**M. MNYUKWA, J**

In this probate case, the petitioner Yasinta Balthazaar Daud petitioned for letters of administration of the estate of the late Flaviana Nicholaus Kifizi who died intestate on 20/04/2021 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 a child namely Precious Zacharia Kifizi and her mother, the petitioner, Yasinta Balthazar Daud.

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.

According to the petition, the deceased left the following properties; a house situated on squatter plot at Shinyanga, a house situated on plot No. 251 Block A Mhonze Shibula in Ilemela Municipality, A plot squatter at Ibadakuli Shinyanga, a squatter Plot at Luchelele in Mwanza city, and a motor vehicle make Kluger with registration no T 137 DGE. She also left three bank accounts at NBC and a bank account at CRDB and pension scheme at NSSF.

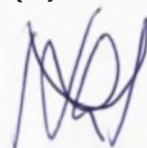
After the matter was filed, a general citation was issued in the Mwananchi Newspaper dated 25/09/2022. Following that general citation, no body filed any caveat to object the appointment of the petitioner. At the hearing, the petitioner called three witnesses namely Yasinta Balthazaar Daud (the petitioner herself), Aristides Kazambula, one of the



sureties and the brother of the petitioner who also attended the family meeting held on 8/05/2021 and David Deogratus who is petitioner's son and he was the secretary of the family meeting held on 8/05/2021. Both of them testified and their evidences was recorded as PW1, PW2 and PW3 respectively and they all supported the appointment of the petitioner to administer the estate of the deceased namely Flaviana Nicholaus Kifizi in this probate.

In brief, in her evidence the petitioner testified that she was appointed by the family meeting through agenda No. 3 to administer the estate of the deceased and that the family meeting was held on 08/05/2021. She went on testifying that, the deceased left a house at Shinyanga, a house at Igombe Mwanza and a motor vehicle, make Kluger with registration No T 137 DEG and that they are still making close follow up to ascertain the documents of other properties listed in the petition. In her petition, the petitioner indicated that the deceased has left properties that are estimated to be worth Tsh. 195,582,000/=.

After I examined the petition and the documents filed in support of it, I am satisfied that, the petitioner Yasinta Balthazar Daud is a fit person to administer the estate of the deceased. Therefore, she 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 the late Flaviana Nicholaus Kifizi, the deceased.

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.
- (b) The appointed administrator should carry out her duties of collecting the properties of the deceased, paying debts owned by the deceased, distributing the estate of the deceased to her heirs and
- (c) The appointed administrator should file inventory of the estate and file account thereby closing the administration process.


It is so ordered

Dated at Mwanza this 30<sup>th</sup> day of March, 2022



  
**M. MNYUKWA**  
**JUDGE**  
**30/03/2022**

Ruling delivered in the presence of the petitioner advocate.

  
**M. MNYUKWA**  
**JUDGE**  
**30/03/2022**