

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

PROBATE AND ADMINISTRATION CAUSE NO. 28 OF 2021

**IN THE MATTER OF APPLICATION FOR LETTERS OF ADMINISTRATION OF
ESTATE BETWEEN
LOIRUK JOSIAH LETARAPETITIONER
AND
JOSIAH ALPHA LETARADECEASED**

RULING

19/04/2022 & 17/05/2022

GWAE, J

One Josiah Alphayo Letara had a fixed place of abode at Kimandolu in Arusha Region and owned properties located at Arusha within the jurisdiction of this court. The said Josiah Aphayo Letara (deceased person) died without a will on 2nd day of August 2021 at Arusha Lutheran Medical Centre Hospital in Arusha leaving surviving him the following children (heirs);

1. Michael Josiah Letara (son), a resident of Dar es salaam
2. Edith Josiah Letsra (Daughter), a resident of Coastal Region
3. Lilian Josiah Letara (Daughter) a resident in Arusha
4. Lomnyaki Josiah Letara (son), live in Sweeden

5. Loiruk Josiah Letara (Son), lives in Muheza-Tanga
6. Joachim Josiah Letara (son) lives in Finland

Now, the petitioner, **Loiruk Josiah Letara**, the deceased person's son is before this court seeking court's grant of letters of administration in order to administer the following deceased's estate; unsurveyed house, unsurveyed farmland measuring 1.5 acres, both located at Kimandolu area in Arusha Region, unsurveyed farm land measuring 8 acres located at nduruma- Arusha, three cows, seventeenth ducks, three turkeys and eleven chickens all are in Kimandolu area, Bank Account No. 40808300505 operated at NMB PLC, a Motor vehicle Escudo with Reg. No. T. 868 AKS, and Motor vehicle Carib with Reg. No. 348 AHY make Toyota registered in the name of the deceased

This petition is accompanied with the petitioner's oath, bond without surety, an affidavit of one Henry Alphayo Letara, an affidavit of the said Henry as to his domicile and a copy of the deceased's family meeting held on the 22nd August 2021.

When this petition was placed before me for hearing, the petitioner appeared in person, unrepresented. He orally argued this petition by stating

that his both parents had died. His mother died earlier than his late father that is on the 10th July 2021 adding that he had already made citation through Mwananchi Newspapers dated 11th November 2021 and Nipashe. He finally sought an order of the court granting him letters of administration of the estate of his late father so that he can smoothly administer the same.

Considering the petitioner's petition as well as annexures appended to it and without undue regard to the fact that the petitioner is among the deceased's heirs. More so, no caveat that has been preferred since citation of this petition as evidenced by both newspapers. In the case of **Sekunda Mbwambo v. Rose Ramadhani** (2004) TLR 439, this court inter alia held and I quote;

"The objective of appointing an administrator of the estate is the need to have a faithful person who will, with reasonable diligence, collect all properties of the deceased. He will do so with the sole aim of distributing the same to all those who were dependents of the deceased during his life time. The administrator, in addition, has the duty of collecting all the debts due to the deceased and pays all the debts owed by the deceased. If the deceased left children behind, it is the responsibility of the administrator to ensure that they are properly taken care of and well brought up using the properties left behind by their deceased parent....."

In our present petition, I have seen no justifiable reason as to refuse granting the sought letters of administration to the petitioner since he is the son of the deceased, therefore interested person as among the deceased's heirs, the family members have exhibited confidence and trust over him through their meeting. The petitioner, in my considered view, has all necessary attributes of being granted letters of administration of the estate of his late father to administer the estate in question not only for his immediate interest but also for the interests of other beneficiaries of the estate of the deceased. It is thus expected of him to faithfully act for the benefits of interested persons in the deceased's estate exhibiting the necessary trust and confidence that he has been given by the deceased's family members (see the decision of the Court of Appeal in **Joseph Shumbusho vs. Mary Grace Tigerwa and two others**, Civil Appeal No. 183 of 2016 (unreported) delivered on the 6th October 2020).

Consequently, the petitioner **LOIRUK JOSIAH LETARA** is hereby appointed to be an administrator of the estate of his late father, **JOSIAH ALPHAYO LETARA**.



The appointed administrator is directed to faithfully and responsibly administer the deceased's estate in accordance with the law, bearing in mind that, this grant of letters of administration is not absolute as it is subject to court's nullification in case, he mishandles the estate of the deceased. The appointed administrator is also ordered to make and exhibit inventory of the deceased person's estate in this court within **six (6)** months' period from the date of this ruling and submit final accounts within twelve (12) months from the date of this order or within such period as may be extended by the court upon application or as the court may deem fit.

It is so ordered.

Dated at Arusha this 17th day of May, 2022.


M.R. GWAE
JUDGE
17/05/2022

Court: Mention on 20/12/2022 at about 09: 00 hrs for ascertainment of the Administrator's ordered filing of an inventory and related estate administration matters.



M.R. GWAE
JUDGE
17/05/2022