

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(DODOMA DISTRICT REGISTRY)

AT DODOMA

PROBATE AND ADMINISTRATION CAUSE NO. 9 OF 2021

IN THE MATTER OF THE ESTATE OF THE LATE ALEX PASCHAL BUNYARA, DECEASED
AND

IN THE MATTER OF APPLICATION FOR LETTERS OF ADMINISTRATION WHEN
DECEASED DIED INTESTATE, UNDER SECTION 56(1) OF THE PROBATE AND
ADMINISTRATION OF ESTATES ACT [CAP 352 R.E 2002].

LUCIA ALEX.....PETITIONER

RULING

04/04/2022

KAGOMBA, J

The petitioner LUCIA ALEX a resident of Dodoma, has petitioned for grant of Letters of Administration of the estate of the late ALEX PASCHAL BUNYARA, who died intestate at General Hospital, Dodoma on 5th September, 2021.

The Petition is made under section 56 of the Probate and Administration of Estate Act, [Cap 352 R.E 2002] (the "Act") together with rule 39 of the Probate Rules, 1963 (GN No. 369 of 1963) herein referred as the Rules. The Petition is supported by Consent of Heirs under section 71 of the Act and rule 71 of the Rules, Affidavit as to Domicile sworn by the petitioner under Rule 64 of the Rules, the Administration Bond without Surety subject to section 67 of the Act and Rule 66 of the Rules and Administrator's Oath under section 66 of the Act.

Attached to the Petition were also the death certificate of the late ALEX PASCHAL BUNYARA as well as minutes of the family meeting held on 29th September, 2021 where the petitioner LUCIA ALEX was nominated to petition for the grant of the Letters of Administration of the estate of the deceased.

The Petition, under paragraph 5, identifies assets of the late ALEX PASCHAL BUNYARA which shall be subjected to administrative mandate of the petitioner. Also in paragraph 6, 7 and 8 of the Petition, the petitioner has stated that the late ALEX PASCHAL BUNYARA was Kerewe by tribe and professed Christian religion with fixed place of abode at Kilimani area in Dodoma and that there was no any proceeding for grant of probate or Letters of Administration of the Estate of the deceased which had been commenced before any Court or authority within or outside Tanzania.

The General Citation of the Petition made under rules 75 and 76 of the Rules was published in Mwananchi Newspaper dated 23th December, 2021, and by the time this Petition came for hearing on 28th March, 2022 nobody has appeared to contest the Petition of the petitioner to be appointed as Administratrix of the Estate of the late ALEX PASCHAL BUNYARA. Therefore, the petitioner prayed the Court to grant her Petition as her eligibility for the Administratrix's role to the deceased's estate has not been contested by anybody.

The petitioner through an oath filed with her Petition as indicated hereinabove, has made a commitment before the Court that once the Petition is granted, she shall discharge her administrative duties faithfully in accordance with the law.

Having found that the Petition before the Court is duly filed and the eligibility of the petitioner has not been challenged as aforesaid, the Petition is hereby granted accordingly. As such, the petitioner LUCIA ALEX is hereby appointed as the Administratrix of the Estate of the late ALEX PASCHAL BUNYARA.

The Administratrix shall discharge her administrative duties in accordance with the Probate and Administration of Estate Act [Cap 352 R.E 2002] and the Probate Rules, 1963 by among other things, being timely in execution of her duties and filing of the inventory in this Court within six (6) months of the grant of Letters of Administration and upon conclusion of the Administration of the said Estate. The petitioner shall bear her own cost with regard to the filing of the Petition.

It is ordered accordingly.




ABDI S. KAGOMBA
JUDGE
04/04/2022