

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

PROBATE AND ADMINISTRATION CAUSE NO. 1 OF 2022

NORBERT ANSELIM D'MELLO.....DECEASED

AND

FLORA SUZANE D'MELLO.....PETITIONER

RULING

26/05/2022 & 27/05/2022

GWAE, J

The deceased, **NORBERT ANSELM DE'MELLO** had a fixed place of abode at Arusha Region and owned properties located at Arusha within the jurisdiction of this court. The deceased died without a will on the 29th July 2021 at St. Elizabeth Hospital in Arusha Region leaving surviving him his wife, now, petitioner, **FLORA SUZANE D'MELLO** and a daughter who is currently living in Dodoma Region.

The deceased's wife is now before this court seeking court's grant of letters of administration so to enable her administer the following deceased's estate;

1. House situated at Arusha worthy Tshs. 180,000,000/=

2. Other sources worthy Tshs. 20,000,000/=

This petition is duly accompanied with the petitioner's oath, bond with surety, an affidavit as to domicile and a copy of the certificate of death.

When this petition was placed before me for hearing, the petitioner was represented by the learned counsel Ms. Neema Oscar who orally argued this petition by stating that they had already made citation through Mwananchi Newspapers dated 9th February 2022 and so far, no caveat has been entered. She finally sought an order of the court granting the petitioner letters of administration of the estate of her late husband so that she can 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 through Mwananchi News Paper. I am therefore of the view that, there is no viable justification whatsoever for declining granting this application in favour of the petitioner since she is the wife (widow) of the deceased as she is instantaneous interested person among the deceased person's heirs and given the fact that her administration has been consented

by her sole daughter whom she alleged to be married and living in Dodoma Region.

The petitioner is thus found to be eligible person for being granted letters of administration of the estate of her late husband for the benefits of her own and that of her daughter including her better position of paying deceased's debts, if any (See a judicial precedent in In the case of **Sekunda Mbwambo v. Rose Ramadhani** (2004) TLR 439).

That said and done, the petitioner, FLORA ANSELM D'MELLO is hereby appointed to be an administratrix of the state of her late husband, NORBERT ANSELM D'MELLO. The appointed administratrix is directed to faithfully and dutifully administer the deceased's estate in accordance with the law. She is 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.

M.R. GWAE
JUDGE
27/05/2022

Orders:

1. Mention on 28/11/2022 at about 09: 00 hrs for ascertainment of the Administratrix's ordered filing of an inventory and related matters on the administration of the estate.
2. The administratrix shall appear on the date fixed for necessary further actions.




M.R. GWAE
JUDGE
27/05/2022