

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE SUB-REGISTRY OF DAR ES SALAAM**

AT DAR ES SALAAM

MISC. CIVIL APPLICATION NO. 623 OF 2021

(Arising from Probate and Administration Cause No. 60 of 2016)

IN THE MATTER OF THE ESTATE OF THE LATE ADBULMAJID ABDULREHMAN LADHA

RAYHAAN ABDULMAJID LADHA APPLICANT

VERSUS

SUSMITA ABDULMAJID LADHA RESPONDENT

RULING

10th and 11th March, 2022

KISANYA, J.:

On 17th December, 2020, this Court appointed the above named applicant to administer the estate of the late Abdulmajid Abdulrehman Ladha. Through the services of Ms. Hamida Sheikh, learned advocate of Sheikh's Chambers of Advocate, the applicant instituted the present application for extension of time within which to file and/or exhibit an account of Estate of the late Abdulmajid Abdulrehman Ladha.

The application was made under section sections 107(1), (2) and (3) of the Probate and Administration of Estate Act (Cap. 352, R.E. 2002) and rule 109(1) and (2) of the Probate and Administration of Estate Rules, section 14 of

the Law of Limitation Act, Cap. 89, R.E. 2002 and sections 68(e) and 95 of the Civil Procedure Code, Cap. 33, R.E. 2019. The reasons for extension of time were deposed in the supporting affidavit affirmed by the applicant on 6th December, 2021.

Ms. Hamida Sheikh, learned advocate for the applicant, prosecuted the application, while the respondent was represented by Ms Aziza Msangi, learned advocate.

At the outset, Ms. Msangi informed the Court that the respondent was not contesting the application. In that regard, Ms. Sheikh urged the Court to grant the reliefs sought in the application.

Although the application is not contested, this Court is required to consider whether applicant has demonstrated the reason for extension of time. Pursuant to section 107 of the Probate and Administration of Estate Act (supra), the time within which to exhibit an account of the estate of the deceased is one year from the grant of letters of administration or within such further time set out by the court. In the event the administration is not completed within one year, the administrator has to exhibit an account of the estate of the deceased at intervals of not more than six months, or within such further time set out by the court which granted the letters of administration.

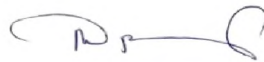
Considering that the letters of administration subject to this application were granted by this Court, I am of the considered view that the present application is competent before the Court. Further to this, the application is in compliance with the provision of rule 109(2) of the Probate and Administration of Estate Rules because it was made before the expiry of the period of one year in which the applicant was required by this Court to file or exhibit the said account.

Upon going through the supporting affidavit, I am convinced that the reasons for failing to exhibit an account of the estates of the deceased was beyond control of the applicant. This is so because the inventory was prepared and filed within the statutory period. According to the applicant, the distribution of the estate was not completed due to complication in respect of 6201 ordinary shares held by the deceased in Haji Seleman Haji Ladha and Sons (T) Limited. It was deposed that the said shares were not disposable, and that the applicant was inclined to convert them into the main asset of the company, thereby delaying completion of the administration. Considering further that the application was not contested and that, I find no cogent reason of refusing to grant the application.

For the reasons stated afore, the application is found meritorious and allowed. The period within which to file/and exhibit an account of the estate of the late Abulmajid Abdulrehman Ladha is accordingly extended for eight months from the date of this ruling. This being a probate matter, I make no order as to costs.

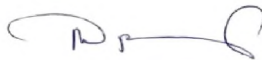
It is so ordered.

DATED at DAR ES SALAAM this 11th day of March, 2022.



S.E. Kisanya
JUDGE

Court: Ruling delivered this 11th day of March, 2022 in the presence of Mr. Yussuf Sheikh holding brief for Ms. Hamida Sheikh, learned advocate for the applicant and in the absence of the respondent. B/C Zawadi present.



S.E. Kisanya
JUDGE
11/03/2022

