

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

**PROBATE AND ADMINISTRATION CAUSE NO. 78 OF 2021**

**IN THE MATTER OF ESTATE OF THE LATE DR. JOSEPH SAMWEL  
KILONGOLA**

**AND**

**IN THE MATTER OF APPLICATION FOR LETTERS OF ADMINISTRATION  
BY**

**LIGHTNESS KISIMBE RWE GASILA ..... 1<sup>ST</sup> PETITIONER  
GABRIEL JOSEPH KILONGOLA ..... 2<sup>ND</sup> PETITIONER  
MICHAEL NZINYANGWA KILONGOLA ..... 3<sup>RD</sup> PETITIONER**

**RULING**

11<sup>th</sup> and 11<sup>th</sup> March, 2022

**KISANYA J.:**

This petition is made under section 56 of the Probate and Administration of Estates Act [Cap. 352, R.E. 2002]. Lightness Kisimbe Rwegasila, Gabriel Joseph Kilongola and Michael Nzinyangwa Kilongola have petitioned for grant of letters of administration of the estate of the late Dr. Joseph Samwel Kilongola who died intestate on the 25<sup>th</sup> day of September, 2020 at Mount Meru Hospital in Arusha Region. The petition is accompanied, among others, with the copies of death certificate of the late Dr. Joseph Samwel Kilongola and proceedings of the clan meeting. Other documents are administration bond of sureties, heirs consent,

administrators' oath, certificate as to sureties' financial position and affidavit as to domicile of the deceased.

In terms of the petition and supporting documents, the deceased is survived by his one wife namely, Lightness Kisimbe Rwegasila; five children namely, Gabriel Joseph Kilongola, Christopher Joseph Kilongola, Christine Joseph Kilongola, Restiel Joseph Kilongola and Arthur Joseph Kilongola; and one mother namely, Kinoko Elly Nzinyangwa.

It was also pleased in the deceased professed Christian religion and that, at the time of his death, he had a fixed place of abode at Pugu Kajiungeni (Bombani) within Ilala District in Dar es Salaam Region. Further to this, the lists of assests likely to come into the petitioner's hands for administration (Annexure "C"). The petitioners went on to stated that no proceedings for the grant of probate or letters of administration of the estate of the said deceased has been commenced before any court or authority, whether in the United Republic of Tanzania or outside the country.

At the hearing of this application, the petitioners appeared in person. They were also represented by Ms. Athanasia Soka, learned advocate.

Ms. Soka submitted that no any caveat had been entered to challenge the appointment of the petitioners as administrators of the late Dr. Joseph Samwel Kilongola. Therefore, she prayed that the petition be granted.

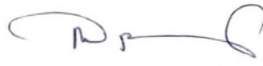
Having gone through the petition, supporting documents and submission by the counsel for the petitioners, I am of the considered opinion that the petition meets the legal requirements. In the result, the petitioners qualify to be appointed as the administrators of the estate of the deceased. This is so when it is considered that the petitioners were dully appointed by their clan members. Also despite publication of General Citation in Daily News and Mwananchi newspapers dated 8<sup>th</sup> October, 2021 and 23<sup>rd</sup> September, 2021 respectively, no caveat or objection has been entered.

To this end, the Court hereby appoint Lightness Kisimbe Rwegasila, Gabriel Joseph Kilongola and Michael Nzinyangwa Kilongola as administrators of the estate of the late Dr. Joseph Samwel Kilongola. In consequence, the said Lightness Kisimbe Rwegasila, Gabriel Joseph Kilongola and Michael Nzinyangwa Kilongola are ordered to administer the deceased's estate in accordance with the law. Pursuant to section 107 of the Probate and Administration of Estates Act (supra), they are further

ordered to file with the Court, an inventory of the deceased's estate within six months from the date hereof and exhibit final account within twelve (12) months from the date of this ruling.

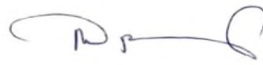
It is so ordered.

DATED at DAR ES SALAAM this 11<sup>th</sup> day of March, 2021.



S. E. Kisanya  
JUDGE

Court: Ruling delivered this 11<sup>th</sup> March, 2022 in the presence of the petitioners and their counsel Ms. Athanasia Soka. B/c Zawadi present.



S.E. Kisanya  
JUDGE  
11/03/2022