

**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. 208 OF 2022**

**IN THE MATTER OF THE ESTATE OF THE LATE DR. REGINALD ABRAHAM MENGI**

***AND***

**IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF ADMINISTRATION  
BY ABDIEL REGINALD MENGI AND BENJAMIN ABRAHAM MENGI**

**ABDIEL REGINALD MENGI AND BENJAMIN ABRAHAM MENGI, ADMINISTRATORS  
OF THE ESTATES OF THE LATE DR. REGINALD ABRAHAM MENGI**

**ABDIEL REGINALD MENGI ..... 1<sup>ST</sup> APPLICANT**

**BENJAMIN ABRAHAM MENGI ..... 2<sup>ND</sup> APPLICANT**

**(Arising from Probate and Administration Cause No. 39 of 2019)**

**RULING**

3<sup>rd</sup> and 3<sup>rd</sup> June, 2022

**KISANYA, J.:**

This application is preferred under rule 109(1) and (2) of the Probate and Administration of Estate Rules and 93 of the Civil Procedure Code, Cap. 33, R.E. 2002. The applicants, Abdiel Reginald Mengi and Benjamin Abraham Mengi seek an ex-parte order for extension of time within which to file inventory and estimates of the Estate of the late Dr. Reginald Abraham Mengi

(the deceased). The application is supported by the joint affidavit sworn by both applicants.

To better appreciate what pressed the filing of this application, it is important to illustrate, albeit brief, its background facts. On 18<sup>th</sup> May, 2021, this Court *vide* Probate and Administration Cause No. 39 of 2019 granted in favour of the applicants, letters of administration of the estate of the late late Dr. Reginald Abraham Mengi. In terms of the decision of this Court and the law, the applicants were required to make full and true inventory of the estates of the deceased and exhibit the same in this Court within 12 months.

On 17<sup>th</sup> November, 2021, the applicants filed an interim statement of accounts and inventory of the estate of the deceased. As the applicants realized that the administration could not be completed within one year, they filed the present application for the foresaid order. This being an *ex-parte* application it is not contested.

When this matter was called on for hearing today, Greyson Laizer, learned advocate appeared for the applicants.

In his brief submission in support of the application, Mr. Laizer urged this Court to grant the application. He was of the view that paragraph 4 of

the joint affidavit in support of the application shows sufficient cause for the delay to file inventory and statement of account within the time prescribed by the law.

I have gone through the chamber summons and affidavit and the submission made by the applicants' counsel. Although this is an ex-parte application, I have the duty to determine whether there is merit in it warranting this Court to enlarge the time to file inventory and estimates of accounts of estate of the deceased.

The provisions of rule 109(1) of the Probate and Administration of Estate Rules require the applicant to state in the supporting affidavit the reasons for the delay. It provides as follows:

*"An application for extension of time to exhibit an inventory or account shall be made by chamber summons supported by an affidavit stating the reasons for such application."*

In terms of the settled position, where extension of time is sought, the application will be granted, if the applicant has proved sufficient cause for the delay. Equally, the sufficient cause is determined basing on various

factors. The applicant is expected to state the actions taken immediately before or after becoming aware that the delay might occur.

In the present case, the reasons for the delay were deposed in paragraphs 4 of the affidavit which is reproduced hereunder: -

*"4. That, having filed the interim inventory and accounts, were unable to finalize administering the Estate of the Late Dr. Mengi within the prescribed time due to the following among other factual grounds;*

- i. The Estate of the Deceased is vast and complex because most of its assets are mainly in form of shares he owned in a set of intertwined companies.*
- ii. In establishing the level and value of the shares held by the late Dr. Mengi, it was necessary to conduct verification and or audit of the following among others companies: -Prime Estates, Gold Africa, M-Mining Ltd, IPP Gold, IPP Media Ltd, IPP Resources Public Limited Company, Content Generation Ltd, Rodney Mutie Mengi Hospital Ltd and IPP Agro Ltd.*
- iii. As Administrators of the Estate, we have been engaged in several court proceedings such as, amongst others, Juvenile Civil Application No. 50 of 2022 at Kisutu, Dar es Salaam and Civil Revision No. 332/01 of 2021 at the Court of Appeal, Dar es Salaam*

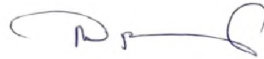
*instituted by Jacqueline Ntuyabaliwe Mengi, who is the widow and one of the beneficiaries of the Estate of the Late Dr. Mengi.*

- iv. That the process of collecting provisional debts of the Estate was conducted on 19<sup>th</sup> Day of April, 2022, after the expiration of 60 days' notice issued to creditors. We are now verifying the registered debts and the remaining period will not be enough to finalize this process. In that regard, we require more time to access funds from bank accounts of the Late Dr. Mengi to pay some of the verified debts.*
- v. Provisionally, the level of debts gathered so far exceed the level of cash held in various accounts of the Late Dr. Mengi. For this reason, we intend to initiate sale of selected assets of the Estate hence, asset valuation and sale negotiations require more time."*

Having considered the submission of the learned counsel for the applicants, it is my considered opinion that the above reasons exhibit sufficient cause for the delay as far as the case at hand is concerned. I find that the applicants have demonstrated the delay in filing the inventory and estimates of accounts of the estate of the deceased was due to good cause.

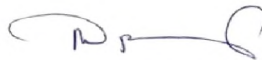
In the upshot, I hold that the application has met the threshold for granting an extension of time. Accordingly, the time within which to file the inventory and estimates of accounts of the estate of the Late Dr Reginald Abraham Mengi is hereby extended for six months from 18<sup>th</sup> May, 2022.

DATED at DAR ES SALAAM this 3<sup>rd</sup> day of June, 2022.



S.E. Kisanya  
JUDGE

Court: Ruling delivered this 3<sup>rd</sup> day of June, 2022 in the presence of Mr. Greyson Laizer, learned advocate for the applicants. B/C Zawadi present.



S.E. Kisanya  
JUDGE  
03/06/2022