

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**ARUSHA DISTRICT REGISTRY**

**AT ARUSHA**

**PROBATE AND ADMINISTRATION CAUSE NO 6 OF 2022**

**IN THE MATTER OF THE ESTATE OF THE**

**LATE WANDE ABDULLAH MANDARI.....DECEASED**

**AND**

**IN THE MATTER OF APPLICATION FOR GRANT OF PROBATE BY**

**RUKIA MANDARI OGETO.....PETITIONER**

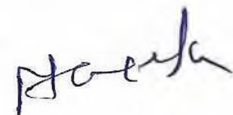
**7/06/2022 & 7/6/2022**

**RULING**

**N.R. MWASEBA, J.**

The petitioner herein is a daughter of the late Wandu Abdullah Mandari who died testate at Nairobi Hospital in Kenya on 24<sup>th</sup> January, 2022. She is seeking before this court for the grant of probate under Section 55 of the Probate and Administration of Estates Act, Cap 352 R.E 2002.

The deceased is survived by four children, namely Amina Mandari, Rukia Mandari Ogeto, Nyaligwa Mandari and Ally Mandari.

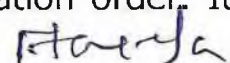


It is pleaded that the petition is made by the petitioner who is named in the last will and testament as the executrix thereof. To ascertain the jurisdiction of this court, the petitioner implored that at the time of her death, the deceased had a fixed place of abode at Arusha and properties within the jurisdiction of this court.

On 2<sup>nd</sup> May, 2022 a citation order was issued to be published in the Government gazette and any other local newspaper with wide circulation. The same was well complied with by the petitioner.

During the hearing of this matter, the petitioner appeared in person. Her sister, one Amina Mandari accompanied her. The petitioner submitted that she had complied with the citation order by publishing in the Government gazette dated 13<sup>th</sup> May, 2022 and Mwananchi Newspaper dated 19<sup>th</sup> May, 2022. She avers that since then she has not been served with any caveat or objection. So, she prays to be appointed as the executor of the last will of her late mother and she promised to execute the will according to the law. The sister who accompanied her told the court that she had no objection to the petitioner being granted probate.

I have gone through the record and the submission of the petitioner. I am confident that the petitioner complied with the citation order. It is

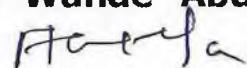


evident that neither objection nor caveat has been filed in court against the grant of probate. **Rule 76 of the Probate rules** states as hereunder:

*"Where a general citation is required to be publish by these Rules or by the court no probate of a will or letters of administration shall be granted **until after the expiration of fourteen clear days from the date of the last publication of such citation and unless no caveat or objection has been lodged during that period.**" (Emphasis added)*

Being guided by the above provision, I find that this petition deserves to be granted due to the fact that the general citation was published in the government gazette dated 13<sup>th</sup> May 2022 and Mwananchi newspaper dated 19<sup>th</sup> May, 2022. To date, more than fourteen days have expired. Moreover, there is neither caveat nor objection lodged in record.

From the foregoing, the probate of a will is granted to the petitioner, one **Rukia Mandari Ogeto**. She will have to execute the last Will and Testament of the late **Wande Abdullah Mandari** accordingly.




Further, she is required to file inventory and final account within one month from today.

It is so ordered.

**DATED** at **ARUSHA** this 7<sup>th</sup> day of June, 2022.



  
**N.R. MWASEBA**

**JUDGE**

**7/06/2022**