

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

**MISC. CIVIL APPLICATION NO. 66 OF 2023  
(Arising from Civil Appl. No 318 of 2021)**

**IN THE MATTER OF APPLICATION FOR EXTENSION OF TIME TO  
FILE INVENTORY AND ACCOUNT OF ESTATE**

**BY**

**TOUFIQ SALIM TURKY..... ..APPLICANT**

**RULING**

*3<sup>rd</sup> March 2023*

**MKWIZU, J:**

This is an application for extension of time to file inventory and account of estate by the applicant TOUFIQ SALIM TURKY who was appointed administrator of the estate of the late Salim Hassan Turkey on 10/12/2020 by the High Court of Zanzibar the order that was resealed by this court via Miscellaneous application No . 318 of 2021. The application is made under the provision of Rule 109 (1)(2) of the Probate Rules and supported by the affidavit of the Applicant.

The applicant was, during the hearing represented by advocate Said Mmbando. He first adopted the affidavit in support of application and submitted that, after being granted letters of administration the Applicant delayed in performing his duties since beneficiaries were outside the court and could not respond immediately due to COVID 19 pandemic.

I have considered the matter and the Applicant's Affidavit which is not contested anyhow. The sole ground brought for the delay is the absence

of the beneficiary in the country after the grant of letter of the administration. This ground is not supported by any evidence so to say.

The Applicant was granted the letter of administration on 10<sup>th</sup> December 2020 and upon resealing on 23/12/2021 he was given one year period to file inventory and true accounts of the said properties which came to an end on 22/12/2023. Just coming to court with this application two months after the expiration of the time he was availed for that purpose without reasonable explanation. Both the affidavit and the oral submissions by the applicant's counsel could not come clearly on who exactly among the heirs was outside the country and their duration of absence.

The obvious however from paragraph 5 of the applicant affidavit is that the application was necessitated by the his incapability to file the Company's annual return in accordance with the companies Act. The paragraph reads:

*"That most important the late Salim Hassan Turkey left shares in the Company incorporated in Tanzania, therefore the companies has to file annual Return as per the requirements of the law but failure to file an inventory it (sic) raised as an obstacle thereto and thus Applicant herein applied for extension of time to file inventory to the High Court of Tanzania so that he can comply with other requirements of the law with aspect to the property of the late SALIM HASSAN TURKY "*

I would have vacillated to grant the application on the above circumstances, however, since the application is not contested and that the administrator who is yet to account for the deceased estate, has is

expressing his readiness to do so, I find it prudent to grant the application so as to allow the administrator do what the law requires him to do for the interest of the deceased estate .

Consequently, the application is granted. The Applicant is hereby ordered to file the Inventory and accounts of the deceased estate within **TWO(2) months period** from today failure of which will lead to the revocation of his letters of administration for failure to perform his duties as an administrator.

It is so ordered.



**E.Y. MKWIZU**  
**JUDGE**  
**03 /3/2023**

