

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA  
MOSHI DISTRICT REGISTRY  
AT MOSHI**

**PROBATE AND ADMINISTRATIN CAUSE NO. 7 OF 2022**

**IN THE MATTER OF THE PETITION FOR LETTER OF ADMINISTRATION  
BY  
EDEN RODRICK MASHAYO ..... PETITIONER**

**AND**

**IN THE MATTER OF THE ESTATE OF  
MONICA RODRICK MASHAYO.....DECEASED**

**RULING**

15<sup>th</sup> March, 2023

**A.P.KILIMI, J.:**

The deceased **Monica Rodrick Mashayo** died intestate on 9<sup>th</sup> September, 2020 at Mzena Memorial Hospital Dar es salaam. Following the death of the deceased, a family meeting was convened on 10<sup>th</sup> day of July, 2022 and proposed the petitioner, **Eden Rodrick Mashayo**, the son of the deceased to be administrator of the deceased's estates. Consequent to that proposal by the family, the petitioner has petitioned to this Court for the appointment as administrator of the deceased's estate.

When the petition came for hearing today on 15<sup>th</sup> March 2023, Ms. Diana Solomoni learned counsel represented the Petitioner who was also present. She prayed to adopt petition and all documents annexed thereto and further submitted that, the petition is brought under the provision of section 56 of Probate and Administration of Estate Act, Cap 352 R.E. 2002 and it was filed on 3<sup>rd</sup> November, 2022. The petitioner has complied with all requirement of the law, by filing all required documents and advertising the petition of probate in the Mwananchi newspaper dated 16<sup>th</sup> December, 2022 at page 21 and Government Gazzete dated 19<sup>th</sup> December 2022. Since, nobody has brought objection to the grant of the letter of Administration against him, the counsel prayed this court to grant the letter of Administration to the Petitioner, so that he can collect and distribute the deceased estate to valid heirs.


I have considered the petition, and the documents supporting thereto. It is undisputed that the deceased is survived by six dependents who are his five sons and one daughter namely: - Evance Rodrick Mashayo, Aman Rodrick Mashayo, Eden Rodrick Mashayo, Erick Rodrick Mashayo, Edwin Rodrick Mashayo and Shose Rodrick Mashayo

I have also considered that this petition has accompanied by the following documents filed by virtue of Probate Rules GN No. 369 of 1963, these are an affidavit as to domicile; the administrator's oath; Affidavit as to domicile; Administrator's oath duly sworn by petitioner, Administration bond with sureties duly signed by two sureties namely Haika Mmanyi and Hadija Imam Moshi, Affidavit of consents of heirs duly sworn, death certificate admitted as Exhibit P1 and minutes of the family meeting dated 10<sup>st</sup> July, 2022. Moreover, the petition reveals the estate that is to be administered by the petitioner is immovable properties that amounts to Tsh.100 hundred millions. It is also evidenced that, the general citation which was issued in Mwananchi Newspaper dated 16/12/2022 and Government Gazzete dated 19/12/2022. After this general citation, it is undisputed facts that no any caveat has been filed to date to object the appointment of the petitioner.

Having considered above, and basing on the fact that, there is neither objection nor caveat filed against the petition. I thus, hereby appointed the petitioner **Eden Rodrick Mashayo**, in terms of section 33 (1) and (4) of the Probate and Administration of the Estate Act, Cap. 352 R.E. 2019 to administer the estate of the late **Monica Rodrick Mashayo**. Consequently, I order him be granted letter of administration of this estate forthwith. I also

order the appointed administrator to carry out his duties of collecting the properties of the deceased, paying debts owned by the deceased, distributing the estate of the deceased to his heirs and lastly, the appointed administrator should file inventory of the estate and account thereto, thereafter closing the administration process within six months from today. It is so ordered.

**DATED at MOSHI** this 15<sup>th</sup> day of March, 2023.



A. P. KILIMI  
JUDGE  
15/03/2023

**Court:** - Ruling delivered today on 15<sup>th</sup> day of March, 2023 in the presence of Ms. Diana Solomon for Petitioner. Petitioner also present.

**Sgd: A. P. KILIMI**  
**JUDGE**  
**15/03/2023**