

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

IN THE DISTRICT REGISTRY OF BUKOBA

AT BUKOBA

PROBATE AND ADMINISTRATION CAUSE NO. 01 OF 2023

IN THE MATTER OF THE ESTATE OF THE LATE SYMPHOROSA KABYESILIZA

MWAMBARA

AND

IN THE MATTER OF THE APPLICATION FOR PROBATE BY RICHARD

MWAMBARA LAUREAN

RULING

31st October, 2023

BANZI, J.:

The late Symphorosa Kabyesiliza Mwambara died testate on 18th November, 2021 and survived by three children namely, Fr. Julius Mulokozi Mwambara, Crispinus Rumanyika Mwambara and Richard Mwambara Laurean. She also left behind a number of landed properties including four houses, two farms, five plots and four shop frames within Bukoba, Misenyi and Muleba Districts.

The Petitioner, Richard Mwambara Laurean has petitioned for grant of Probate of the Will of the deceased who named him in the Will as executor. The petition was brought under section 55 of the Probate and Administration

of Estates Act [Cap. 352 R.E. 2002] and Rule 33 of the Probate Rules, GN No. 10 of 1963. It is accompanied by executor's oath, affidavit as to the deceased domicile, verification of petition for probate and certified copies of death certificate and last Will and Testament of the deceased.

By the order of this Court dated 28th August, 2023, the general citation was issued and exhibited in conspicuous places including Buhembe Ward Office and High Court of Tanzania, Bukoba Registry. Also, it was published in Mwananchi Newspaper dated 31st August 2023. But up to this moment, that is, on 31st October, 2023 when the matter was called for hearing, no caveat or objection has been entered/raised. Under these circumstances, Ms. Gisera Maruka, learned counsel who appeared for the petitioner urged this Court to grant the petition. The petitioner when invited by this Court to demonstrate his fitness, he stated that, he is willing, fit and ready to execute the Will of his deceased mother faithfully.

I have carefully examined the petition and accompanying documents. It is apparent that, this is un-contested petition because up to this juncture, there is no any objection or caveat registered by heirs or any other person with interest in the estate of the deceased. Having scrutinised the relevant documents and having regard to the fact that, all requirements of the law have been complied with, I am satisfied that, the petitioner, Richard

Mwambara Laurean is a fit person to execute the Will of the deceased Symphorosa Kabyesiliza Mwambara. Thus, I hereby grant the probate as prayed. He is hereby ordered to file an inventory in this Court within statutory period of six months from today.

It is so ordered.



I. K. BANZI
JUDGE
31/10/2023

Delivered this 31st day of October, 2023 in the presence of the petitioner and Ms. Gisera Maruka, learned advocate for the petitioner.



I. K. BANZI
JUDGE
31/10/2023