

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

MOSHI DISTRICT REGISTRY

AT MOSHI

PROBATE AND ADMINISTRATION CAUSE NO. 8 OF 2022

ADIL MEHBOOB SADIQ APPLICANT

VERSUS

MEHBOOB MOHAMED SADIQDECEASED

RULING

15th & 16th February, 2023

A.P.KILIMI, J.:

The deceased **Mehboob Mohamed Sadiq** died intestate on 1st July, 2021 at KCMC Hospital, Moshi Kilimanjaro Region. Following the death of the deceased, a family meeting was convened on 1st day of October, 2022 and proposed the petitioner, **Adil Mehboob Sadiq**, 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 on 15th February 2023, Mary Kway 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 petition on 25th November, 2022. He has complied with all requirement of the law, by filing all required documents and advertising the petition of probate in the newspaper. 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 four dependants who are his widow and three children namely: - Kehkeshan Mehboob Sadiq a widow, children are Adnan Mehboob Sadiq, Adil Mehboob Sadiq and Abid Mehboob Sadiq.

I have also considered that this petition has accompanied by the following documents filed by virtue of Probate Rules GN No. 369 of 1963,

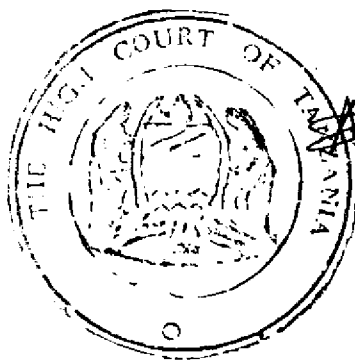
these are an affidavit as to domicile; the administrator's oath; Affidavit by sole administrator; Chamber summons praying this court to dispense with the requirement of bond and sureties supported by duly affirmed affidavit of the petitioner. Affidavit of consents of heirs, death certificate admitted as Exhibit P1 and minutes of the family meeting dated 1st October, 2022. Moreover, the petition reveals the estate that is to be administered by the petitioner is immovable properties that amounts to Tshs. 500 hundred million. It is also evidenced that, the general citation which was issued in Mwananchi Newspaper dated 9/12/2022. After this general citation, it is undisputed facts that no any caveat was filed 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 **Adil Mehboob Sadiq** in terms of section 33 (1) and (4) of the Probate and Administration of the Estate Act, Cap. 352. To administer the estate of the late **Mehboob Mohamed Sadiq**. 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 16th day of February, 2023.



A. P. KILIMI
JUDGE
16/2/2023

Court: - Ruling delivered today on 16th day of February, 2023 in the presence of Mr. Emmanuel Anthony for Applicant. Applicant also present.

Sgd: A. P. KILIMI
JUDGE
16/2/2023