

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

[ARUSHA SUB-REGISTRY]

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 23 OF 2023

**IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF THE
ESTATES ACT [ACT NO. 9 OF 1963]**

**IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE
MOLLAND WILLIAM MODEST**

AND

**IN THE MATTER OF APPLCIATION FOR GRANT OF LETTERS OF
ADMINISTRATION BY SARAH GERALD GWAU**

RULING

25th & 28th March, 2024

TIGANGA J.

This is an application for grant of letters of appointment to administer the estate of the late Molland William Modest, hereinafter the deceased, who passed away 06th August 2023. The applicant is Sarah Gerald Gwau, who introduced herself as a widow of the deceased. The application was by a Petition made under section 56 of the **Probate and Administration of the Estate Act** [Cap 352 R.E. 2002], "the Act,". It was accompanied by the Administrators Oath made in terms of section 66 of the Act, and Rule 65 of the **Probate Rules**, "the Rules". It was also accompanied by the Administrator's bond with sureties made under section 67 of the Act, and Rule 66 of the Rules, the Affidavit as to Domicile


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by the petitioner made in terms of Rule 64, of the Rules, and the Consent of the heirs made under Rule 71 of the Rules. It was also accompanied the affidavit of the sole Administrator made in terms of Rule 32 of the Rules.

From the petition and the evidence given in court by the petitioner under oath, the deceased died interstate, at Kairuki Hospital in Dar es Salaam as proved by the certificate of death attached to the petition. At his death, he left surviving him seven beneficiaries, namely Sarah Gerald Gwau, the widow, Natasha Molland Modest, the daughter of the deceased, Modecai Molland Modest, son of the deceased, Nuru Mohamed, the daughter of the deceased, Hamida Mohamed, the daughter of the deceased, Fahim Maina, the son of the deceased and Modest Edward Kabinyebesa, the father of the deceased.

The petition also avers that the estate of the deceased is estimated to be worth Tshs. 300,000,000/= Three Hundred Million only. Comprising five houses located in Shinyanga Region, worth Tsh. 40,000,000/= each and two houses located in Arusha worth Tshs. 50,000,000/= each.

Also, that after the burial of the deceased, on 13th August 2023 the clan meeting appointed the petitioner and recommended her to apply for letters of administration of the said estate as proved by the clan meeting minute attached to the petition.

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By the order of this court the citation was issued which was published in the Government Gazette issue No. 52 dated 08th December, 2023 as well as in Mwananchi Newspaper dated 30th November 2023, but nobody came forward to file a caveat I opposition of the petition.

In the effort to satisfy itself on the fitness, faithfulness and trust worth of the petitioner, the court called upon the petitioner to appear in court to testify and she testified as sole witness with her evidence recorded as PW1.

After hearing the petitioner and taking into account the fact that her petition to be appointed has not been objected by any caveat, I am convinced to believe that the petitioner is a fit person to be appointed Administratrix of the estate of the deceased.

In terms of section 33 of the **Probate and Administration of the Estate Act**, I do hereby allow the petition by appointing Sarah Gerald Gwau, as the Administratrix of the estate of the deceased, the late Molland William Modest. Following her appointment as such, she shall be required to do the following.

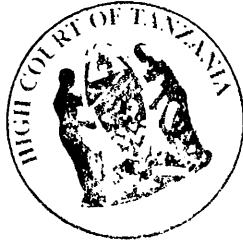
- i. To collect the estate of the deceased, clear the debts and other liabilities of the deceased if any;
- ii. To file an inventory and final account in court within six months containing the actual and accurate list of the already collected


estate of the deceased and the way she has distributed the same to the heirs.

- iii. Mention to ascertain the compliance be on 26/09/2024.

It is so ordered.

DATED and delivered at **ARUSHA**, this 28th day of March, 2024.




J. C. TIGANGA
JUDGE