

IN THE HIGH COURT OF TANZANIA
(DODOMA SUB REGISTRY)
AT DODOMA
PROBATE AND ADMINISTRATION CAUSE NO. 994 OF 2024
IN THE MATTER OF THE ESTATES OF THE LATE CALVIN AITAEI MAIMU
AND
IN THE MATTER OF AN APPLICATION FOR THE GRANT OF LETTERS OF
ADMINISTRATION BY NARINDWA CALVIN MAIMU
AND HANSLEY CALVIN MAIMU
RULING

Date of last Order: 02nd April, 2024

Date of Ruling: 02nd April, 2024

E. E. KAKOLAKI, J.

The petitioners herein, **Narindwa Calvin Maimu and Hansley Calvin Maimu** wife and son to the deceased respectively have petitioned for letters of administration of the estates of the late **Calvin Aitael Maimu** (the deceased) who died intestate at Hindu Mandal Hospital in Dar – Es – Salaam city, on the 17th day of July, 2020 as evidenced by the death certificate attached to this petition. The petition is preferred under section 67 of the Probate and Administration of Estates Act, [Cap. 352 R.E 2002] and Rule 66 of the Probate Rules, supported with administration bond with sureties worth Tshs. 14,000,000,000/=, joint affidavit as to the deceased domicile, Consent obtained from Raymond Calvin Maimu, Sekela Calvin Maimu and Hope Calvin

Maimu, Joint administrators' oath and joint affidavit by the petitioners.

According to the petition which is uncontested, the deceased is survived by

eight heirs and beneficiaries namely: -

- (i) Narindwa Calvin Maimu, the deceased's wife
- (ii) Raymond Calvin Maimu, the deceased son.
- (iii) Hansley Calvin Maimu, the deceased son.
- (iv) Hope Calvin Maimu, the deceased daughter.
- (v) Joshua Calvin Maimu, the deceased son.
- (vi) Emmanuel Calvin Maimu, the deceased son.
- (vii) Sekela Calvin Maimu, the deceased daughter.
- (viii) Dyness Calvin Maimu, the deceased daughter.

It is also stated in the petition that, the deceased left behind in his estate several properties estimated to worth Tanzania shillings seven billion (Tshs.

7,000,000,000/=) including:

1. 30,000 share in Capital City Mall Ltd,
2. 30,000 share in CAM Company Ltd,
3. 345,000 share in Nasai Transport Ltd,
4. 2,550 Share in Sinana Enterprises Company Ltd,
5. Account number 05351360000 Bank of Africa Tanzania Ltd,
6. Account number 01082432700 CRDB Bank PLC,

7. Account number 5056600004 NMB Bank PLC,
8. Four (4) landed properties located at Nzuguni, Rijamaca within Dodoma City Council,
9. Land constituted in Plot Number ¾, Commercial Plot Kisasa within Dodoma city council,
10. Land constituted in plot number 1, Block A/B, Dodoma with Engen Fuel Station,
11. A hand gun/pistol (Government property) and any other property to be discovered in the course of administration.

Subsequent to filing of this petition, general citation was made through the Government Gazette issue No. 12 dated on 22/02/2024 at page 255, Nipashe newspaper dated on 2nd March, 2024, Mwananchi newspaper dated 2nd March, 2024 and the Daily News newspaper dated 09th March, 2024. Following that citation, no caveat was filed to object the appointment of the petitioners as administratrix and administrator of the estate respectively.

At the hearing of the matter both petitioners appeared in person and were represented by Mr. Imam Daffa and Mr. John Masangwa, both learned advocates. Present in court were also Raymond Calvin Maimu and Joshua

Calvin Maimu, deceased sons and beneficiaries of the estate representing other heirs who could not attend court session for different reasons.

It is Mr. Daffa who started kicking the rolling ball after adopting the petition and its annexures to form part of the submission and went on to inform the Court that, the petition was lodged pursuant to section 67 of the Probate and Administration of Estates Act, [Cap. 352 R.E 2002] and Rule 66 of the Probate Rules and further that petitioners have complied with all legal requirement for being appointed to administer the estate of the late Calvin Aitael Maimu. He thus prayed the Court to consider all the filed petition and all annexed supporting documents and proceed to grant the same.

In support of the petition were Raymond Calvin Maimu and Joshua whose testimony was to the effect that, the petitioners who are the deceased's wife and son and resident of Uhindini area within Dodoma City, were appointed by the family meeting to petition for administration of the deceased estate.

The two witnesses like the two sureties namely **Mkunde Senyagwa Mushi** and **Adolbert Zablon Maimu**, confirmed to this Court that, the petitioners are trust worth person and can administer the estate with sincerity. They both prayed this court to grant the petition by appointing the petitioners as he prayed after Raymond had tendered in Court the agreement for

administration and division of the estate of the late Calvin Aitael Maimu (exhibit PE1), duly signed by him to exhibit their agreement.

Having examined the documents accompanying the petition and considered the submission by the learned counsel for the petitioners as well as the testimonies of no objection from the two witnesses who are also beneficiaries of the estate on behalf of other heirs and beneficiaries of the estate and the fact that, up to the time of hearing of the petition no caveat was filed and served to the petitioners, this court is satisfied that, the petitioners have met all the requirements of the law and qualified to be appointed as administratrix and administrator of the estate as prayed. I therefore proceed to grant this petition by appointing **Narindwa Calvin Maimu and Hansley Calvin Maimu** to administer the estate of the late **Calvin Aitael Maimu**, jointly as prayed.

The petitioners will be subjected to guidance and directives of the court during their tenure in the office and shall file in court the inventory of estate and final account exhibiting distribution of the estate amongst the heirs/beneficiaries timely as provided under section 107(1) of the Probate and Administration of Estates Act, [Cap. 352 R.E 2002].

No orders as to costs.

It is so ordered.

Dated at Dodoma this 02nd day of April, 2024.



E. E. KAKOLAKI

JUDGE

02/04/2024.

The Ruling has been delivered at Dodoma today 02nd day of April, 2024 in the presence of Mr. Imam Daffa and Mr. John Masangwa, advocates for the petitioners, both petitioners and Ms. Mwanahamisi Adam, Court clerk.

Right of Appeal explained.



E. E. KAKOLAKI

JUDGE

02/04/2024.

