

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

(ARUSHA SUB-REGISTRY)

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE NO. 31 OF 2023

IN THE MATTER OF THE ESTATE OF THE LATE BETHUEL ELIA LYIMO

AND

**IN THE MATTER OF A PETITION TION FOR LETTERS OF ADMINISTRATION BY
ANNETTE BETHUEL LYIMO AND EVELYN BETHUEL LYIMO.....PETITIONERS**

RULING

17/04 & 17/05/2024

KIWONDE, J.:

The petitioners, Annette Bethuel Lyimo and Evelyn Bethuel Lyimo petitioned for grant of letters of administration of the estates of the late Bethuel Elia Lyimo who died intestate on 25th July 2019.

During hearing of the petition, the counsel for the petitioners, one Matuba Nyeremba informed the court that there was no caveat filed after the publication of the citation. He argued that the fixed place of abode of the deceased before his death on was plot No. 261 at Ngarenaro area in Arusha City. He professed and lived under Christian rites.



According to the counsel, the deceased left behind five (5) children who are Charles Bethuel Lyimo, Annette Bethuel Lyimo, Carolyn Bethuel Lyimo, Glory Bethuel Lyimo and Evelyn Bethuel Lyimo.

Apart from that, the counsel submitted that on 25 April 2023, the family meeting was convened and proposed the petitioners administratrices of the deceased estates. The estates of the deceased are two acres farm located at Manyire Ward in Arusha, a commercial house located at Kaloleni in Arusha, commercial house located at USA River-Arusha, a house and three acres farm located at Marangu-Mwika in Kilimanjaro Region.

From the pleadings and oral submissions, the major issue for determination is whether the petitioners be granted with letters of administration.

It is clear from the records that there is no caveat filed in court. The petitioners were issued with a citation for publication and they complied with. It was published in Government Gazette dated 22nd Decmbre 2023 and in the local newspaper namely Nipashe dated 7th February 2023. Thus, the petition is opposed.

Besides that, the petitioners are among the deceased daughters and heirs of the deceased estates. Under section 33 (1)(2)(4) of the Probate and

Administration of Estates Act, cap 352, a person qualifies to be administrator of the deceased estates if she /he has interest in the estates, trustworthy, entitled to part or whole of the estates, related to the deceased (consanguinity) and if will administer such properties safely.

The petitioners in this matter, have greater interests in the estates, they are deceased daughters and so related to him; in the family meeting, the petitioners were proposed to administer the deceased estates which means they were trusted by the family members that they are faithful and would ensure that the deceased estates are fairly administered, the beneficiaries of the estates get their rights. Therefore, they are proper persons to be appointed administratrices of the deceased estates.

Eventually, I find the petition merited. It is hereby granted and ordered as follows:

1. The petitioners, Annette Bethuel Lyimo and Evelyn Bethuel Lyimo are hereby appointed administratrices of the estates of the late Bethuel Elia Lyimo.
2. Letters of administration be granted to the petitioners.



3. The petitioners to carry out their administration duties and exhibit inventory and final accounts of the deceased estates within a period of six (6) months from today.

It is so ordered.

DATED at ARUSHA this 17th day of May 2024



F. H. KIWONDE

JUDGE

17/05/2024

Court: Ruling is delivered in the court room in the presence of the petitioners and Maryciana (RMA) this 17th May 2024 and the right of appeal is explained.



F. H. KIWONDE

JUDGE

17/05/2024

