

IN THE HIGH COURT OF TANZANIA

ARUSHA SUB-REGISTRY

AT ARUSHA

Probate and Administration Cause NO. 33 OF 2023

IN THE MATTER OF ESTATE OF THE LATE

ALOYCE GUNGAWE MKONGWEDECEASED

AND

IN THE MATTER OF APPLICATION FOR PROBATE BY

DAFROZA ALOYCE MKONGWE..... PETITIONER

RULING

06 /05/2024 & 15/05/2024.

D.D NDUMBARO, J

The petitioner has petitioned for an order to grant probate of the Estate of **Aloyce Gungawe Mkongwe** who died intestate. The court was moved under the provision of sections 56 of Probate and Administration of Estate Act Cap 352 R.E 2002 and Probate rule 32, accompanied by necessary documents to satisfy the requirements of the petition for letters of administration under sections 56, 57(1) and rules 32,33, 34, 64, 65, 66,69 and 71 as to affidavit as to the domicile of the

administrator, oath, copy of the death certificate and consent of heirs respectively.

Records show the deceased was a Christian survived by eight children and a widow namely; Keneth Aloyce Mkongwe, Geoffrey Aloyce Mkongwe, Remus Aloyce Mkongwe, Felista Aloyce Mkongwe, Dafroza Aloyce Mkongwe, Jimmy Aloyce Mkongwe, Lulu Aloyce Mkongwe, Joseph Aloyce Mkongwe. All children born in wedlock with exception of one Lulu Aloyce Mkongwe born out wedlock and legal wife of the deceased (a widow) is Dionisia Aloyce Mkongwe.

The Deceased left the following properties which are approximated to be TZS 242,511,979.

1. The house located at Arusha Njiro.
2. The house located at Iringa Sabasaba.
3. The house located at Iringa Mkimbizi.
4. The house located at Iringa Idodi.
5. The house located at Morogoro Mikumi.
6. Plot of land located at Idodi Iringa.
7. Two farms located at Idodi Iringa.

8. The shares from NMB Plc, UTT, Precision Air Services Tanzania Breweries LTD and Vodacom Tanzania Plc
9. The vehicles Noah T 120 BEA and Toyota Land Cruiser T 639 AGS
10. Bank Account from NMB Plc

When the matter was called on for hearing, the petitioner submitted that she had made the requisite citation through the government gazette dated 5 April 2024 issue No. 14 at page 10 and in the Mwananchi newspaper dated 21 March 2024 at page 21. The petitioner went on to state that, considering that no caveat has been made against the partitioner's appointment, it was her prayer that this court grants the application for probate and appoints the petitioner as an administrator of the estate of the late **Aloyce Gungawe Mkongwe**. Three children of the deceased namely Kenneth **Aloyce Gungawe Mkongwe** Geoffrey **Aloyce Gungawe Mkongwe** and Joseph **Aloyce Gungawe Mkongwe** and a widow appeared before this court, and verified their willingness to the appointment of the petitioner as an administrator of the estate of the late **Aloyce Gungawe Mkongwe**.

The four beneficiaries out of eight that are; a widow and three children one by one were probed of their consent for the petitioner's

appointment and they all informed this court that they had consented to his appointment.

In the administrator's oath, the petitioner has demonstrated willingness, faithfulness and awareness of the duties as an administrator of the deceased's estate according to the law, and he will be responsible for making exhibit fully and true inventory of the said properties and credit in courts within six months from the date of grant to be made to him with such time as the court may appoint, and render true account of his administration within one year from the same date or within such time as the court from time to time may appoint.

Upon considering the petitioners' application on all legal requirements and all procedures as to citing the notice in the government gazette dated 5 April 2024 and in the Mwananchi newspaper dated 21 March 2024 was adhered to, and since no caveat was lodged before this court, I do hereby grant the petition.

The petitioner **Dafroza Aloyce Mkongwe** is hereby appointed as an administrator of the estate of the late **Aloyce Gungawe Mkongwe** and shall perform his legal duties under law by exhibiting inventory and

final account of the estate of the deceased within the period of six months from the date of appointment.



DATED at ARUSHA this 15th Day of May 2024.

D.D. Ndumbaro
D.D. NDUMBARO

JUDGE

15/05/2024

COURT: Mention on 14/11/2024 for ascertainment of the filling of the inventory by the administrator.

D.D. Ndumbaro
D.D. NDUMBARO

JUDGE

15/05/2024