

THE UNITED REPUBLIC OF TANZANIA

JUDICIARY

IN THE HIGH COURT OF TANZANIA

MBEYA SUB -REGISTRY

AT MBEYA

PROBATE ADMINISTRATION CAUSE NO. 4 OF 2022

IN THE MATTER OF ESTATE OF LATE JOINA ZEBEDAYO MWILONGO

AND

**IN THE MATTER OF APPLICATION FOR PETITION FOR LETTERS OF
ADMINISTRATION BY DAMIAN ZEBEDAYO MWILONGO.....PETITIONER**

VERSUS

SHUKURU NYAKISA KYANDO.....CAVEATOR

RULING

Date of hearing: 29th May, 2024

Date of Ruling: 29th May, 2024

KAWISHE, J.:

DAMIAN ZEBEDAYO MWILONGO petitioner filed a petition in this court for letters of Administration of the late **JOINA ZEBEDAYO MWILONGO** who died intestate. The application was made under section 56 of the Probate and Administration of Estates Act, Cap 352 R.E 2019 and Rule 39 of the Probate Rules GN. 369 of 1963.

The deceased has left surviving, a widower, one **Shukuru Nyakisa Kyando** and 2 children to wit: **Harun Shukuru Kyando and Nathan Shukuru Kyando.**

After the petitioner had filed for Letters of Administration and a Citation been issued and published accordingly vide Government Notice No. 42 of 28th October, 2022 and Mwananchi Newspaper of 13th October, 2022; the widower, **SHUKURU NYAKISA KYANDO** filed a caveat opposing the appointment. The main contention was on the ground that the petitioner was administering some property which was not part to the probate, that is matrimonial home, misuse of the estate of the deceased, and forged the clan meeting minutes. That the petitioner was never appointed by any clan meeting to apply for the administration of the deceased's estate.

In the course of hearing of the probate the parties prayed to the court for a time reconcile their dispute out of court, fortunately, they settled their dispute. To that effect they filed in this Court a Deed of Settlement on 20th May, 2024. Among the agreed terms is that: the two children **Harun Shukuru Kyando** and **Nathan Shukuru Kyando** be placed under the care of their father, **Shukuru Nyakisa Kyando**, the

caveator; that the caveator to withdraw the caveat before this Court and allow the petitioner be appointed as administrator of the deceased's estate; that the petitioner be appointed as he petitioned; and that the petitioner shall abide to the legal procedures as an administrator.

In that regard, the petitioner, **DAMIAN ZEBEDAYO MWILONGO** is hereby granted Letters of Administration to administer the estate of the late **JOINA ZEBEDAYO MWILONGO**. The petitioner shall file an inventory in this Court within six months from the date of this Ruling or seek an enlargement thereafter, if deemed necessary to do so.

Dated at **MBEYA** this 29th May, 2024.



A handwritten signature in blue ink, appearing to read "E. L. Kawishe", written over a horizontal line.

E. L. KAWISHE

JUDGE