

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
IN THE DISTRICT REGISTRY OF ARUSHA
AT ARUSHA
PROBATE & ADMINISTRATION CAUSE NO. 25 OF 2023
IN THE MATTER OF THE ESTATE OF THE LATE
PIUS KIMATHI CALIST.....DECEASED
AND
IN THE MATTER OF AN APPLICATION
FOR LETTERS OF ADMINISTRATION BY
UPENDO CALIST KIMATI.....PETITIONER
RULING

21/02/2024 & 1/03/2024

NDUMBARO, J

The petitioner **UPENDO CALIST KIMATI**, the sister of the deceased one **PIUS KIMATHI CALIST** is before this court petitioning for letters of administration of the estate of his late brother who died intestate on 19/03/2023 at Mount Meru Hospital - Arusha. The deceased at the time of his death had a fixed place of abode at Olmatejoo Sakina Ward within Arusha Region.

The petition is to the effect that the deceased is survived by four heirs namely; Christian Pius Kimath Calist (son), Elizabeth Kimati, Upendo Calist Kimati and Dennis Kalist Kimati. According to the petition, the state that is

likely to be administered by the petitioner includes both movable and immovable assets as follows;

- Terminal Benefits from the Ministry of Education and Vocational Training.
- House/and or home appliances of the deceased to wit, TV, Radio, kitchen appliances, bed, sitting and dinner tables, sofa set etc.

At the hearing, the petitioner informed the court that she had made a requisite citation both in the Government Gazette dated 26th January 2024 and Mwananchi News Paper dated 8th January 2024 and no caveat has been entered in respect of the petition, she thus prayed for the grant of the petition. The petition is also accompanied with copies of the deceased's death certificate and the minutes of the meeting appointing her.

The petitioner was also probed by this court as to the whereabouts of the deceased's wife and she informed this court that the deceased and his wife had separated for a very long time and therefore she was not interested with the deceased's properties as she had already moved on with her life and more to that, she did not even attend the burial of the deceased. In that regard, the court summoned the said wife of the

deceased and on 21st February 2024, she appeared before this court and testified that she has no objection with the appointment of the petitioner to administer the properties of the deceased and that since she had separated with the deceased for a very long time thus she does not want anything from the deceased's properties and if at all there is anything to be distributed the same should be given to her son whom she gave birth with the deceased.

With the foregoing, I have considered the petition, so to say, I see no reason as to why letters of administration should not be granted to the petitioner for the reasons that **one**, ever since the petition has been filed in this court together with the citation to the public, no caveat has been entered in respect of the petition or whatsoever, **secondly**, I have gone through the minutes of the family meeting and the petitioner was duly appointed by her family with no reservations to petition for letters of administration of the estate of her late brother.

The purpose of granting letters of administration or probate is merely to protect the deceased's properties so as to ensure that they are not left unattended or wasted unjustifiably and also to safeguard the interests of those who are intended to benefit from the said properties.


Having said so, I am of the considered view that since the petition has disclosed that the deceased left properties, it is prudent that such properties fall under the administration of an administratrix duly appointed by this court.

Apparently, the petitioner **UPENDO CALIST KIMATI** is hereby appointed to be an administratrix of the state of her late brother **PIUS KIMATHI CALIST**.

The appointed administratrix is hereby ordered to administer the deceased's estate in accordance with the law. She is further directed to make and exhibit inventory of the deceased's estate in this court within six (6) months from the date of this ruling and present final accounts after 12 months from the date of this order.

It is so ordered.




D. D. NDUMBARO
JUDGE
01/03/2024

COURT: Mention on 02/09/2024 for ascertainment of the filling of the inventory by the administratrix.



D. D. NDUMBARO

JUDGE

01/03/2024