

**IN THE UNITED REPUBLIC OF TANZANIA  
THE HIGH COURT OF TANZANIA  
(DAR ES SALAAM DISTRICT REGISTRY)  
AT DAR ES SALAAM**

**MISC CIVIL APPLICATION NO. 426 OF 2023**

**(Originating from Probate and Administration Cause NO. 65 of 2014)**

**AZIM ALARAKHIA HOODA (The Administrator of**

**Deceased Estate of the late**

**MAHEDIMOHAMED GUAMALI KANJI.....APPLICANT**

**VERSUS**

**KASSAMALI HABIB KHIMJI (The Administrator of**

**Deceased Estate of the late**

**MAHEDIMOHAMED GULAMALI KANJI..... RESPONDENT**

**RULING.**

This is an application by the applicant Azim Allarakhia Hooda seeking for revocation of the respondent's (Kassamali Habib Khimji's) executorship in Probate and Administration cause No. 65 of 2014.

The main reason advanced to support the application is that the respondent is unable to discharge his duties of excutorship due to old age.

The respondent who has filed a counter affidavit is not resisting this application.

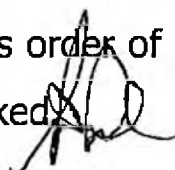
In deed, he admits the inability to discharge that duty due to the old age.

The application has been supported by an affidavit affirmed by the applicant.

Mr Laurent Ntanga, learned counsel, has expounded on the contents of the affidavit supporting the application.

Having considered the material before me and the submission by the counsel for the applicant and after taking into account that the application has not been resisted, I find this application meritorious.

Consequently, for the reasons advanced in the supporting affidavit which have been expounded by the applicant's learned counsel coupled with the fact that this application stands unopposed, I grant the application as prayed in the chamber summons. I order that the previous order of executorship granted to the respondent is hereby revoked.



**Sgd: W. Dyansobera**



**JUDGE**

**28/2/2024**