

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

MISC. PROBATE AND ADMINISTRATION CAUSE NO. 600 OF 2023

(Arising from Probate and Administration Cause No. 35 of 2005)

IN THE MATTER OF THE ESTATE OF THE LATE AHMED HASSANI

DIRIA

AND

**IN THE MATTER OF APPLICATION FOR EXTENSION OF TIME TO FILE
INVENTORY BY SAMIRA AHMED DIRIA, THAURIYA AHMED DIRIA
AND ZAINAB AHMED DIRIA**

**SAMIRA AHMED DIRIA, THAURIYA AHMED DIRIA AND ZAINAB AH-
MED DIRIA** *(being the Administratrix of the Estate of the Late **AHMED HAS-
SANI DIRIA.....** APPLICANTS*

RULING

S. M. MAGHIMBI, J:

By way of a Chamber Summons supported by an affidavit affirmed by the three administrators, the applicants have moved this court under the provisions of Section 107 (1) (2) of the Probate and Administration of Estate Act, Cap. 352 and Rule 109 (1) and (2) of the Probate and Administration of Estate Rules. They are seeking for orders that:

1. *This Honourable Court be pleased to grant extension of time to the applicants, the administrators of estate of late Ahmed Hassani Diria, to file Inventory and Account of estate.*
2. *Any other relief(s) deemed fit and just be granted.*

Brief background of this application is that on 5th April, 2005, the applicants were granted letter of administration to become co-administrators of the estate of Ahmed Hassani Diria. They have been collecting the properties and accounts of the deceased and owing to the time frame prescribed by the law, for the grounds that will be apparent, they have delayed in filing the inventory and accounts of the deceased estate hence the current application.

When the matter came for necessary orders on the 20/02/2024, the application was ordered to be disposed by way of written submissions. The grounds of delayed as availed both in their affidavit in support of the application and the written submissions are that upon being granted a letter of administration, the applicants started to administer all properties and accounts of late Ahmed Hassani Diria as required by law. The delay was caused by the time that was used to locate and finalize the estates of the Late Ahmed Hassani Diria, because other properties were found

not to be in Dar es Salaam. The properties included those which were unknown to the family and the Administrators.

In her submissions, Ms. Anna Amon, learned Advocate then submitted that the applicants now make this application for extension of time in order to enable the applicant to file an inventory and account of the estates of the Late Ahmed Hassani Diria. The said Inventory and Account have already been prepared as annexed to this application and shall be filed upon this court allowing the application.

Having considered the grounds for the delay as deposed in the affidavit and submitted by Ms. Amon, the issue before me is to determine whether there are advanced sufficient reasons for the delay to warrant the grant of an extension of time taking into consideration that there exists an unclosed probate that is yet to settle the estate of the deceased. As for the submitted grounds of delay, I am satisfied that the grounds set forth in the application claimed to have caused the delay are not ones that may have been in the control of the applicant.

The main reason for delay was stated to be the time used to locate and finalize the estates of the late Ahmed Hassan Diria, since other properties were found not to be only in Dar es salaam. Further to that, some of these properties were not known to the family and the administrators.

Taking the above on board and for the interest of justice, I am satisfied that the advanced grounds for the delay are sufficient to warrant this court's discretion to extend time. The requirement of law is that probate causes must be finally determined and concluded by the legally appointed executor or administrator by filing the inventory of the deceased estate with a subsequent account thereto. It is only at this point that the estate of the deceased is deemed settled and discharges the administrator/executor. Since this probate is not a contentious probate, and having found that the grounds advanced for the delay are sufficient, this application is hereby granted. Time is extended for the applicant to file the inventory of the estate of the Late Ahmed Hassani Diria.

The intended inventory shall be filed in court within six months from the date of this ruling. Since the application was unopposed and in consideration of this being a probate matter, I make no order as to costs.

Dated at Dar es Salaam this 21st Day of February, 2024.




S. M. MAGHIMBI

JUDGE