

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA**

**[ARUSHA DISTRICT REGISTRY]**

**AT ARUSHA**

**PROBATE AND ADMINISTRATION CAUSE No. 24 OF 2022**

**IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF THE  
ESTATES ACT [ACT NO. 9 OF 1963]**

**IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE  
MARTIN LEONARD DEWASI**

**AND**

**IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF  
ADMINISTRATION BY JULIUS HENRY DEWASI**

**RULING**

13<sup>th</sup> & 15<sup>th</sup> 2023

**TIGANGA, J.**

The late Martin Leonard Dewasi herein after the deceased, died intestate at St. Thomas Health Centre Arusha, on 28<sup>th</sup> March 2011. Following his death, his wife Jane Rose Dewasi was appointed to be the administratrix of the estate of the deceased. However, before completing her job, she also passed away. Following his death, the family recommended and endorsed the current petitioner to be appointed to replace the said Jane Rose Dewasi in the administration of the estate of the deceased.

After being so recommended, he moved this court under section 46 of the Probate and Administration of the Estate Act, Cap 352 R.E 2019 and Rule

46 of the Probate Rules to ask this court to appoint him as the Administrator on the position of the late Jane Rose Dewasi.

He was supported by three witness who are Judith Francis Nyaisambo, who introduced herself as the sister of the late Jane Rose Dewasi and the maternal aunt of the petitioner, Martin Kimea Dewasi the son of the deceased, and Millie Ivlin Dewasi the daughter of the deceased. These testified as PW2, PW3 and PW4. All the three witnesses supported the appointment of the petitioner as the Administrator of the estate of the deceased on the ground that he is an elder son of the deceased, trustworthy and committed to do the job.

Basing on the credit given to the petitioner, and the fact that, no objection has been raised against him, I am convinced to believe that, the petitioner is a fit person to be appointed Administrator of the estate of the deceased taking the chance of the late Jane Rose Dewasi.

In terms of section 46 of the **Probate and Administration of the Estate Act**, Cap 352 of the Laws of Tanzania, and Rule 46 of the **Probate Rules** do hereby allow the petition by appointing **Julius Henry Dewasi** as the Administrator of the estate of the deceased **Martin Leonard Dewasi** who shall be required to do the following:

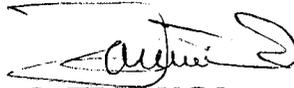
- i. To collect the estate of the deceased.

- ii. To file an inventory in court within four months from the date of her appointment, the inventory shall contain the actual and accurate list of the already identified and collected estate of the deceased.
- iii. After so filling the inventory, the court shall order him to go and pay and clear debt due to the deceased and distribute the residue to the dully entitled lawful heirs of the deceased.
- iv. Whereafter, in six months of his appointment, the administrator shall be required to file in court, the final account with the detailed distribution of the said estate to the entitled heirs.
- v. Mention to ascertain as to whether inventory has been filed be on 15/09/2023.

It is so ordered.

**DATED** at **ARUSHA**, this 15<sup>th</sup> day of March, 2023.



  
**J. C. TIGANGA**  
**JUDGE**