

TANZANIA / JUDGMENT

Khadija Khafan

COURT
TANZLIIDECIDED
26 August 2023

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA TABORA SUB REGISTRY AT TABORA PROBATE AND ADMINISTRATION OF ESTATE CAUSE NO. 27453 OF 2023 IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF THE ESTATES ACT CAP 352 R.E 2019. AND IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE KHALFAN IDD LUTENJA AND IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF ADMINISTRATION BY KHADIJA IDDI KHALFAN

RULING

Last Order date: 18/03/2023 Ruling date: 20/03/2024 MANGO, J The petitioner petitioned for letters of administration of the estate of the late Khalfan Idd Lutenja who died interstate on 26th day of August 2023 at Durban in South Africa. In her petition, she indicated that the late Khalfan Idd Lutenja was a Tanzanian citizen residing in South Africa. She stated further that she is a sibling of the late Khalfan Idd Lutenja thus, an interested person to the estate of the late Khalfan Idd Lutenja. i After the petition for letters of administration was filed before this Court, the Court ordered the citation to be published in two serious and regularly circulating newspaper in our jurisdiction. Publication of the citation was intended to notify all interested persons on the existence of the pending petition for letters of administration of the estate of the late Khalfan Idd Lutenja. Fortunately, nobody filed a caveat objecting anything in respect of the petition filed. During hearing, the petitioner appeared together with Kulwa Idd Khalfan who also did not object appointment of the petitioner to be the administrator of the estate of the late Khalfan Idd Lutenja. The petition is also supported by the heir of the late Khalfan Idd Lutenja namely Mariam Khalfan Lutenja the deceased's biological daughter. In her consent filed before this court, Mariam Khalfan Lutenja indicated expressly that, she willingly and freely consented to the appointment of Khadija Idd Khalfan to be the administrator of the estate of her deceased father. Minutes of Idd Khalfan Lutenja's clan meeting dated 9th October 2023 indicates that the clan consented to the appointment of the petitioner as the administrator of the deceased's estate. Since the petition was not contested anyhow, the Court do hereby grant letters of administration of the estate of the late Khalfan Idd Lutenja to Khadija Idd Khalfan. The Administrator should file inventory and final account of the estate of the late Khalfan Idd Luteja within 6 months from today, that is, before 21st September 2024. The petitioner and beneficiaries of the deceased's estate should appear for final probate and administration of estate proceedings on 24th September 2024 at 10:00am. 2 It is so ordered JUDGE 20/03/2024 3 Nyaki Adv The matter is

coming for mention to schedule ruling date. We pray for ruling date. In our rejoinder, we have addressed the effects of the recent amendments of the law regarding leave requirements for appeals to the Court of Appeal of Tanzania. Simba Adv: We are aware of the amendments of section 5 of the Appellate Jurisdictions Act via section 10 of the legal sector laws (Miscellaneous Amendments) Act No. 11 of 2023. COURT ORDER Following amendment of section 5 of the Appellate Jurisdictions Act via section 10 of the legal sector laws (Miscellaneous Amendments) Act No. 11 of 2023, leave is no longer a requirement for appeals from decisions of this Court to the Court of appeal. For that reason, the application is hereby struck out for being overtaken by events. Given the fact the application became redundant by operation of the law, I award no costs. 3

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