

TANZANIA / JUDGMENT

GRACE JAPHET MLAGALA

COURT
TANZLIIDECIDED
12 August 2023

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA [ARUSHA SUB REGISTRY] AT ARUSHA PROBATE AND ADMINISTRATION CAUSE NO. 32 OF 2023 IN THE MATTER OF THE ESTATE OF THE LATE DENISH SHAABAN WANJALA AND IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY GRACE JAPHET MLAGALA

RULING

21/11/2024 & 22/11/2024 MWENDA, J.: The petitioner, Grace Japhet Mlagala, petitioned for grant of letters of administration of the estate of the late Denish Shaaban Wanjala (the deceased). Upon issuance of the citation, no caveat was raised, and the matter proceeded with the hearing. The petitioner was represented by Mr. George Mrosso, learned counsel. According to the petitioner, the deceased died testate at Muhimbili National Hospital in Tanzania, Ilala Dar es Salaam on 12th day of August 2023. During his lifetime the deceased acquired landed properties which he has left 1 | Page behind. The gross value of the said assets as per paragraph 5 of the petition is TZS 80,000,000/=. Further to that, it is stated in the petition that during his lifetime, the deceased professed Christianity and had a place of abode at Moshono Area in District and Region of Arusha. At the hearing of this application Mr. George Mrosso briefly submitted that since the order to publish citation in the newspaper, which is widely circulated and also in the Government Gazette was complied with, and further that, as long as there is no caveat filed against the letter of administration, then this court should find pleasure to grant letter of administration to the petitioner to administer the estate of the late Denish Shaaban Wanjala. From the pleadings and the oral submission by the learned counsel, the issue for determination is whether the petition for grant of letters of administration is fit to be granted. From the record, it is apparent that the petition for grant of letters of administration is not disputed as there is no caveat which was raised/filed after the issuance of the citation and publication in Mwananchi Newspaper 2 | Page dated 7th day of September, 2024 and the Government Gazette, issue No. 45 of 8th day of November, 2024. It is also not in dispute that the deceased has left behind his landed properties and its values are mentioned under paragraph 5 of the petition. The record also shows that the petitioner is related to him as she was his wife. Further to that, it is evident from the petition papers that the petitioner promised to be faithful in administration of the estates to ensure the lawful heirs get their rights. It is settled law that the court can grant letters of administration to any person or more persons if it is satisfied that he/she is trustworthy, entrusted by the heirs, is entitled to the deceased's shares, has interest in the estate, safety of the estates and that the

estates will be properly administered. As it is provided for under Section 33 (2) of the Probate and Administration of Estates Act, Cap 352 R. E 2019, the petitioner appears to be fit person to be granted letters of administration of the deceased estates. That being said, I find and hold that the petition for grant of letters of administration has merits and it is hereby granted, and it is ordered as follows: 3 | Page

- (a) The petitioner, Grace Japhet Mlagala is appointed to be the administratrix of the estate of the late Denish Shaaban Wanjala.
- (b) Letters of administration be issued.
- (c) The administratrix to carry out her administration duty and file an inventory and final account within six (6) months from the date of appointment which is today the 22nd day of November 2024. It is so ordered. DATED at ARUSHA this 22nd day of November 2024. 4 | Page

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/Grantoflettersofadministration-tanzlii-2023--6a3ea5243b1caa912981a24f

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