

TANZANIA / JUDGMENT

REGINA EDWARD LOWASSA

COURT
TANZLIIDECIDED
16 August 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA ARUSHA SUB REGISTRY AT RUSHA PROBATE AND ADMINISTRATION CAUSE NO. 14953 OF 2024 IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF ESTATE ACT [CAP 352 R.E. 2002] IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE EDWARD NGOYAI LOWASSA AND IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF ADMINISTRATION BY REGINA EDWARD LOWASSA PETITION FOR LETTERS OF ADMINISTRATION WHEN THE DECEASED DIED INTERSTATE

RULING

2nd & 18th September, 2024 KAINDA, J.: The petitioner herein is a wife of the late Edward Ngoyai Lowassa who died interstate at JKCI, Muhimbili National Hospital, Dar es salaam- Tanzania on 10th Day of February, 2024. She is seeking before this court for the grant of probate under Section 56 of the Probate and Administration of Estate Act, [Cap 352 R.E. 2002]. At the hearing of this application, the petitioner was represented by Mr. Andrew Moses Maganga, learned counsel. The petitioner was also present in person. Mr. Maganga submitted that the deceased is survived by Regina Edward Lowassa (the Petitioner) who is the wife/spouse of the deceased and the following children; Frederick Lowassa, Pamella Masomi Lowassa, Ada Kichiku Lowassa, Robert Francis Lowassa and Richard Talalai Lowassa. To ascertain the jurisdiction of this court, the petitioner implored that at the time of death, the deceased had a fixed place of abode at Arusha and his properties within the jurisdiction of this court. He argued that on the 30th April, 2024, the petitioner was recommended to be administratrix of the estate of the deceased through a clan/family meeting as per the minutes of the meeting annexed to the application as annex A2. The deceased left several assets which are likely to come into the hands of the petitioner as mentioned in paragraph 4 of the petition. He further argued that the deceased died interstate and due diligence search for a will was conducted but none has so far been found and that they are not aware of any similar application for the grant of letters in any court of law. In compliance with Rule 75 and 76 of the Probate Rules, Government Notice No. 369 of 1963, Publication of citation for the grant of the application was made on the Government Gazette issue No. 33 of 16th August, 2024 and on 'Mwananchi' Newspaper Dated 5th July, 2024. Further, in compliance to Rules 65, 66, 75(1), 67, and 69 of Probate Rules (supra), the petitioner has attached to the petition the following documents; Oath to administer the estate faithfully, Consent of each of the five children of the deceased, administration bond by sureties and Certificates as to sureties' financial

position. Mr. Maganga went on and argued that, since no objection has so far been lodged, he prayed for this court to grant the application so as to allow the petitioner to collect and distribute the estate of the deceased. My consideration of this petition, being guided by the pleadings on record and the submissions by the counsel for the petitioner, I am convinced that the petitioner has complied with legal requirement for one to be appointed administrator of deceased' estate. From the record, neither objection nor caveat has been lodged in court against the grant of the probate. Rule 76 of the Probate Rules provides; " Where a general citation is required to be published by these Rules or by the court no probate of a will or letters of administration shall be granted until after the expiration of fourteen days from the date of the last publication of such citation and unless no caveat or objection has been lodged during that period." In this matter, the general citation was published in the Government Gazette No. 33 of 16th July, 2024 and Mwananchi Newspaper dated 5th July, 2024. To date, more than seventy (70) days have lapsed and no objection nor caveat was lodged in this court. In the event therefore, this court respectively proceed to appoint the petitioner, Regina Edward Lowassa to administer the estate of the late Edward Ngoyai Lowassa to be performed under the law by exhibiting the inventory and file final account of the estate of the deceased within the period of six (6) months from the date of this ruling. It is so ordered. 9^^ S. J. KAINDA JUDGE 18.9.2024. Ruling delivered under my hand and seal of this court in Chambers this 18th day of September, 2024 in the presence of Mr. Andrew Moses Maganga, learned counsel for the petitioner. The petitioner was also present in person. S. J. KAINDA JUDGE 18.9.2024.

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