

TANZANIA / JUDGMENT

in the matter of the estate of the late dr antony paschal bulengo and in the matter of application for letters of administration by mr david elikisa bulengo 2021 tzhc

COURT
TZHCDECIDED
1 January 2021

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (IN THE DISTRICT REGISTRY OF ARUSHA) AT ARUSHA PROBATE AND ADMINISTRATION CAUSE NO. 34 OF 2021 IN THE MATTER OF THE ESTATE OF THE LATE DR. ANTONY PASCHAL BULENGO..... DECEASED AND IN THE MATTER OF APPLICATION FOR GRANT OF PROBATE BY MR. DAVID ELIKISA BULENGO..... PETITIONER

RULING

08/12/2021 & 20/12/2021 GWAE, J In this Probate Cause, I am asked to grant probate in favour of the petitioner, Mr. David Elikisa Bulengo so that he may be able to be an executor of the estate of his late Dr. Antony Paschal Bulengo (hereinafter to be referred to as deceased) who died on the 24th February 2021 at Mount Meru Hospital in Arusha Region and he had a fixed place of abode at Arusha and his properties subject of execution are in Arusha. The said deceased is said to have named the petitioner, the deceased's son in the last will as the executor of the gross assets namely; 17,196 shares at Upper Zonal Trading Limited of Arusha which are to be divided to the grandchildren of the deceased person that is ordinary shares 8,598 to one Amal Moses Bulengo and 8,598 ordinary shares to one Cornelia Mikaela Bulengo. This Probate is duly supported by the petitioner's verification for petition, the petitioner's affidavit as to the deceased's domicile, executor's oath, deceased's death certificate and the will dated 28th December 2020 On the 8th December 2021 this matter was called on for hearing before me, the petitioner was represented by Mr. Mwanili Habibu Mahimbali, the learned counsel who practicing as Amal Advocates. He sought grant of this probate cause. Basing on the petition together with its accompanying documents particularly deceased person's will appointing the petitioner as the executor of his shares in the said Company, I have seen no reason to depart from the deceased's wishes which should be respected unless the contrary is strongly established. In the absence of the contrary to the will, petitioner is therefore found to be suitable person of being the executor of the said deceased's estate and that at the making of the will the deceased was sound and that, he was

knew the nature and extent of property he was disposing of (See Mohamed Hassani v. Mayasa Mzee and Mwanahawa Mzee (1994) TLR 225 (CAT) and Vaghella v Vaghella [1999] 2 EA 351 In the light of foregoing reasons, the petitioner David Elikisa Bulengo is thus granted letters of probate as the executor of the said estate (shares) of his late father, Antony Paschal Bulengo in favour of the deceased's grandchildren named in the will. The executor is hereby directed to administer the deceased's estate in accordance with the will. He is further requested to make and exhibit an inventory of the deceased's estate to this court within six (6) months from the date of this order and present final accounts after twelve (12) months from the date of the ruling. However, extension of time may made by this court when it deems fit and just to do so. It is so ordered. M.R. GWAE JUDGE 20/12/2021 COURT: Mention on 23/6/2022 for ascertainment of the filing of the inventory by the administrators and any related matters. JUDGE 20/12/2021

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/Grantofprobate-tzhc-2021--6a3ea52b3b1caa9129823d6a>

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