

TANZANIA / JUDGMENT

in the matter of the estate of the late stanley nathan mollel and in the matter of application for probate by rose stanley nathan 2023 tzhc 16412 31 march 2023

COURT
TZHCDECIDED
31 March 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.21 OF 2022 IN THE MATTER of the estate
of the Late STANLEY NATHAN MOLLEL AND IN THE MATTER of application for Probate by ROSE
STANLEY NATHAN

RULING

29/03/2023 & 31/03/2023 KAMUZORA, J. The deceased in respect of whom this petition is brought died testate. The Petitioner herein applied and was appointed executrix of the deceased's WILL by this court in Probate and Administration Cause No. 38 of 2018. The decision to that effect was made by this court on 18/10/2019. According to the Petitioner's submission, after she was appointed, she complied to the directives in the WILL by handing over the properties to the heirs as it was directed in the WILL. She filed the inventory and final account on 2019 and the file was closed in 2020. The Page 1 of 4 records also support her submission as the probate file was closed by this court on 17/01/2020. It was her further submission that after the file was closed, in the year 2021 she discovered that she did not make follow up and distribute the deceased's entitlement/benefits at PSSSF. She contended that, at the time of his death the deceased was a public servant working as Immigration Officer and he was stationed here in Arusha. That, in course of performing her execution duties, she forgot to make follow up of the payments at PSSSF. That, when it came to her knowledge, she went to PSSSF to claim the benefits but she was informed that they could not process any payment without a letter showing that she was the legal representative of the deceased. She came to court but since the probate file was already closed, she was directed to file a new probate matter for purpose of administering the deceased's benefits from PSSSF. The Petitioner therefore instituted this Probate and Administration Cause No.21 of 2022. She prays for this court to appoint her to complete the execution duties of the deceased's WILL by collecting the deceased's benefits and distributing the same to the heirs. The petition is supported by death certificate dully issued by Registrar General of births and deaths, affidavit as to domicile, verification Page 2 of 4 by witness to the WILL, ruling of this court appointing the

Petitioner herein in Probate and Administration Cause No. 38 of 2018 and the executor's oath. I have considered all documents in respect of this petition and the submission by the Petitioner. The records are clear and show that the citation was issued and published by the Petitioner in compliance with legal requirements. The Petitioner submitted in court Mwananchi Newspaper dated 31st October 2022. It is clear that, 14 days from the date of publication of the citation has lapsed and no caveat or objection has been lodged in court. I have also considered that even in the first probate no caveat was raised against the Petitioner. In that regard, this court is satisfied that the Petitioner is a fit person to be appointed executrix of the deceased's WILL. In considering this court's powers under section 3 of the Probate and Administration Act Cap 352 and being guided by the provision of section 24 and 63 of the Act, I hereby grant the petition. The Petitioner Rose Stanley Nathan is hereby appointed the executrix of the deceased's WILL only for purpose of administration of the deceased's benefits from PSSSF if any. Subject to the provision of section 107 of the Probate and Administration Act Cap. 352 read together Page 3 of 4 with Rule 106 and 107 of the Probate Rules, the Petitioner shall exhibit the inventory and file final account of the estate of the deceased within the period of six months from the date of appointment. The executor is well informed of her duties under section 108 of the Act. DATED at ARUSHA this 31st Day of March, 2023 D. C. MUZORA JUDGE Page 4 of 4

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