

TANZANIA / JUDGMENT

cotrida dodo kataga vs godfrey lubeya bilindeka 2021 tzhc 6390 30 september 2021

COURT
TZHCDECIDED
30 September 2021

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IN THE HIGH COURT OF TANZANIA IN THE DISTRICT REGISTRY AT MWANZA MISC. CIVIL
APPLICATION NO. 103 OF 2021 COTRIDA DODO KATAGA.....
PETITIONER versus GODFREY LUBEYA BILINDEKA..... DECEASED

RULING

13th & 30th September, 2021 RUMANYIKA, J.: With respect to the estate of the late Godfrey Lubeya Bilindeka (the deceased), the application for dispensation of requirement of bonds and sureties was brought under S. 67 of the Probate and Administration of Estates Act Cap. 352 RE. 2019. It is supported by affidavit of Cotrida Dodo Kataga whose contents, through mobile no. 0694 486 093 during audio teleconference hearing on 13/09/2021 were adopted by Mr. A. Machaba learned counsel. Mr. A. Machaba learned counsel submitted that following the demise death of husband, over a family/clan meeting one having had been i proposed to apply for letters of administration of the estate (only the house worth shs. 170,000,000/=, as poor peasant as was, contrary to provisions of the law applicant could not have deposited bond of two times worth value of the house. Questioned by the court for clarity, Mr. A. Machaba learned counsel submitted that among those at the family meeting proposed the applicant they were one Mathias Lujajo, chair and deceased's relative, Moses Godfrey Lubeja adult survivor child. That the probate proceedings could not have been instituted in a primary court because value of the estate it exceeded the sh. 150,000,000/= limit. That is all. At least, one having had been survived by five (5) children, some of them adults and the estate consisted of the house (the home), rightly so in my considered view the clan/family meeting proposed and they resolved it remaining as such. Only for such purposes the application is partly granted and partly dismissed such that the house shall herein also be registered as the bond without sureties. It is very unfortunate that no one of the seven members 2 at the meeting volunteered to stand surety in the intended probate cause. It is so ordered. . Right of appeal explained. 7 S.M. RUMANYIKA iubGE 25/09/2021 The ruling delivered under my hand and seal of the court in chambers this 30/09/2021 in the absence of the parties. 7 S.M. RU iXNYIKA JU « / V 30/09/2021 3

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

Prepared on 25 October 2026 · Esheria