

TANZANIA / JUDGMENT

FATUMA OMARY KASSIM VS HUSSEIN KASSIM OMARY

COURT
TANZLIIDECIDED
25 June 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA SUB- REGISTRY OF MWANZA
AT MWANZA MISCELLANEOUS CIVIL APPLICATION NO. 12959/2024 (Arising from the probate
Cause No. 01/2018) FATUMA OMARY KASSIM..... APPLICANT Versus
HUSSEIN KASSIM OMARY (The Administrator of the Estate of the late KASSIM
OMARY)..... 1st RESPONDENT MARIAM KASSIM (The Administrator of the Estate
of the iate KASSIM OMARY)..... 2nd RESPONDENT

RULING

25th & 25th June, 2024 A. MATUMA, J. The applicant is seeking revocation of the respondents from administering the state of her late father Kassim Omary because the respondents since their appointment in 2017, have not benefited the heirs of the estate in question. Intend, it is the first respondent who has turned the estate of the late Kassim Omary to his own benefits by collecting rent and misappropriate it with his own family against other heirs. The 1st respondent has always been absent without excuse and thus I proceeded to determine this application in his^bSence. i The 2nd Respondent conceded to this application stating that it is true since their appointment in 2017 they have done nothing useful in the admiration of the estate because she has been denied cooperation by the 1st Respondent. In the circumstances and uncontested arguments by the applicant as stated Supra, this application is granted partly to the effect that only the 1st respondent is revolved from the administration of such estate. I revoke letters of administration which were granted to the 1st respondent and in lieu of his position I appoint the applicant Fatma Omary Kassim to be administratrix of the estate in question in co-operation with the 2nd respondent who has already been appointed but could not execute her duties for lack of co-operation from he co-administrator. In that respect the administrators of such estate shall be the applicant Fatma Omary Kassim and the 2nd respondent Mariam Kassim. The 1st respondent Hussein Kassim Omary is hereby revoked and ordered to surrender all necessary documents and properties relating to the estate in question which came into his hands by virtue of his earlier on appointment which I have revoked herein. The applicant be issued with the requisite letters of deceased and cooperating with the 2nd Respondent to distribute it to the lawful heirs without discrimination. It is so ordered. 3

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CASE PAGE <https://chat.esheria.ai/case-law/tanzania/fatuma-omary-kassim-revocationoflettersofadministration-tanzlii-2024>

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