

TANZANIA / JUDGMENT

in the matter of application for the grant of letters of administration by sarah joackim minde and lucy tracy joackim minde 2021 tzhc 5455 30 july 2021

COURT
TZHCDECIDED
30 July 2021

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA DISTRICT REGISTRY OF MOSHI
AT MOSHI PROBATE AND ADMINISTRATION CAUSE NO. 8 OF 2020 IN THE MATTER OF THE
ESTATE OF THE LATE JOACHIM VICTOR MINDE..... .. DECEASED AND IN THE MATTER
OF APPLICATION FOR THE GRANT OF LETTERS OF ADMINISTRATION BY SARAH JOACKIM
MINDE..... 1st PETITIONER LUCY TRACY JOACKIM MINDE 2nd PETITIONER

RULING

30/7/2021 MWENEMPAZI, J Sara Joackim Minde and Lucy Tracy Joackim Minde have Petitioned in this court for letters of administration of the estate of the late Joackim Victor Minde, who died intestate on the 7th July, 2020 at the Kilimanjaro Christian Medical Centre (KLM). A death certificate has been Admitted as exhibit P2. This petition came for hearing today, and three witnesses testified including the petitioners. The witnesses are Brenda Minde who testified as PW1, Sarah Joackim Minde as PW2 and Lucy Tracy Joackim Minde as PW3. According to the record as well as the testimony here in court today, the deceased is survived with the wife, Sarah Joackim Minde, the first Petitioner herein. A certificate of marriage is admitted as exhibit P1 showing that their marriage was contracted on the 14th December, 1991. The other survivors are six children namely; Laura Joackim Minde, Lucy Tracy Joackim Minde, Emma Joackim Minde, Vanessa Joackim Minde, Brenda Joackim Minde and Valeline Joackim Minde. The petitioners and the named children are the beneficiaries of the estate of the late Joachim Victor Minde. The deceased also left a number of properties located in various places within Tanzania, such as Kilimanjaro, Arusha, Karatu, Monduli, Lake Eyasi Bagamoyo Pwani. The said properties are also listed in the Petition by virtue of paragraph 4. I won't mention them here as still the administrator(s) will have to list them in a true inventory as part of the execution of their office. The petition by the petitioners came as a result of the nomination of the two by the family meeting convened on 16th July, 2020, which meeting blessed them to be appointed as administratrix of the estate of the late Joackim Victor Minde. The minutes of a family meeting have been exhibited in court and marked Exhibit P3. So far since the lodging of the petition in

court until now no objection has been registered to object to the appointment of the petitioners as administratrix of the estate of the late Joackim Victor Minde. Since they are interested to the estate, it is a clear and firm sign that they are a proper choice to the office; as such they should be appointed to hold the office administration of the estate of the late Joackim Victor Minde. The record shows that after the lodgment of the petition in December, 2020, the petitioners applied to be issued with letters of administration of the estate limited to the collection and preservation of the deceased estate. The application was registered as Miscellaneous civil Application No. 38 of

2020. On the 18/11/2020 this court ruled by granting Letters Of Administration Limited to Collecting Assets of the Estate and Preserving the same until such time the main application will be determined. It was also ruled' that the applicants in the payment of debts should also utilize the estate to allow provision of necessary needs of the surviving family of the deceased. As I have observed herein above that determination of the petition today by this court and appointing the petitioners to the office of administration of the estate of the late Joackim Victor Minde, brings to the end the office of administration of estate for collecting and preserving assets by virtue of the grant in Misc. Civil Case No. 38 of 2020. However, whatever was executed in the pendency of the said grant will have to be accounted for together with the accounts in administration of the estate in this petition. Under the circumstances, therefore the letters of Administration of the estate of the late Joachim Victor Minde are granted to Sarah Joackim Minde and Lucy Tracy Jockim Minde as joint Administratrix of the estate of the late Joachim Victor Minde. By receiving the letters of administration the petitioners are undertaking to administer the said properties and credits and to make a full and true inventory of the said properties and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said properties and credits within one year from the same date or within such further time as the Court may from time to time appoint costs will be taken of by the petitioner. It is ordered accordingly. Dated and delivered at Moshi this 30th July, 2021. 'ZJ'. T.M. MWE PAZI JUDGE Ruling delivered in Court in the presence of the petitioners and Mr. Martin Kilasara, their advocate. MWENEMPASI JUDGE 4

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

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