

TANZANIA / JUDGMENT

In the Matter of the Estate of the late William Estomih Uronu

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19 April 2014

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (IN THE SUB-REGISTRY OF DAR ES SALAAM) AT PAR ES SALAAM. MISCELLANEOUS CIVIL APPLICATION NO. 629 OF 2023 (Arising from Probate and Administration Cause no. 37 of 2015) In the matter of the estate of the Late WILLIAM ESTOMIH URONU..... DECEASED AND In the matter of the application for Letters of administration by HELLEN WILLIAM URONU----- PETITIONER

RULING

Date of last order: 15/04/2024 Date of Ruling: 28/06/2024 A.A MBAGWA, J. This is an application for the grant of letters of administration in respect of the unadministered estates of the late william estomih uronu. The application has been made under section 46 of the Probate and Administration of Estates Act, [Cap 352 R.E 2019] hereinafter referred to as (PAEA) and Rule 46 of the Probate Rules, 1963 (the Rules). According to the facts as deciphered from the depositions, the late William Estomih Uronu (deceased) died testate at Rabininsia Memorial Hospital in Dar es Salaam Region, on 07th October 2014. The deceased was survived by his wife Odilia Eliufoo Uronu and four (4) children namely, Hellen William Uronu, Diana William Uronu, Beatrice William Uronu, and Lorina William Uronu. The late William Estomih Uronu left a will in which he named his wife to be executrix of his estates upon his death. Thus, upon the deceased's demise, his wife Odilia Eliufoo Uronu petitioned for and was granted letters of probate by this Court in respect of the deceased's estate vide Probate and Administration Cause no. 37 of 2015. As exhibited under annexure HE-3 of the petition, the said Odilia Eliufoo Uronu administered the deceased's estate by filing inventory and final accounts of the deceased's estate. However, as bad luck would have it, the appointed executrix i.e., Odilia Eliufoo Uronu died on 30th August 2022. A copy of the death certificate (annexure HE-4) was attached to the petition to support this fact. It is against this backdrop the petitioner has brought this application. Under paragraph 7 of the petition, the petitioner claimed that there are unadministered estates of the deceased worth TZS 1,500,000,000/=. However, the petitioner has not listed the said properties which she claims to be unadministered. The Provision of section 46 of PAEA reads as follows; "46.-On the death of a sole or sole surviving executor who has proved the will or of a sole or sole surviving administrator, letters of administration may be granted in respect of that part of the estate not fully administered, and in granting such letters of administration the court shall apply the same

provisions as apply to original grants: Provided that where one or more executors have proved the will or letters of administration with the will annexed have been 2 1 issued, the court may grant tetters of administration under this section without citing an executor who has not proved the will". [Emphasis added] Further, Rule 46 provides; A petition under section 46 of the Act for grant of letters of administration in respect of unadministered estate upon the death of a sole or sole surviving executor or a sole or sole surviving administrator shall be in the form prescribed in Form 33 set out in the First Schedule and shall describe and state the value of the estate remaining unadministered and shall be supported by a certificate of the death or an affidavit as to the death of the executor or the administrator and by an affidavit stating that such executor or administrator was the sole or sole surviving executor or administrator, as the case may be. From the above-cited provisions, it is clear that letters of administration or probate may be granted to another administrator/executor in respect of unadministered estates upon the death of the predecessor executor or administrator. The matter at hand was cited through Mwananchi and Nipashe Newspapers dated the 19th day of April 2014. Nevertheless, no objection was filed against the petition. Rather, Beatrice William, the younger sister of the petitioner appeared in court on the 15th day of April 2024 and stated that she had no objection. Thus, when the matter was called on, Ms. Lilian Kalinga, the learned counsel for the petitioner prayed the court to appoint the petitioner based on the depositions and documentation adduced in court. I have gone through the application documents namely, the petition, an affidavit as to domicile, an administratrix's oath, an administration bond with sureties, consent of heirs, an affidavit accompanying the petition for the grant by sole administratrix, and an affidavit in lieu of consent. Upon appraisal of the application as a whole, I am satisfied that the petition has met all the legal requirements. I thus grant the petition and appoint her administratrix of the unadministered estates of the later William Estomih Uronu. Letters of administration be granted. Given that this is a probate matter, I make no orders as to costs. It is so ordered. The right of appeal is hereby explained. Dated at Dar es Salaam this 28th day of June 2024. A.A. Mbagwa JUDGE 28/06/2024 4

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/lettersofadministration-tanzlii-2014--6a3ea5243b1caa9129819800

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