

TANZANIA / JUDGMENT

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29 November 2024

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA TEMEKE SUB-REGISTRY (ONE STOP JUDICIAL CENTRE) AT TEMEKE PROBATE AND ADMINISTRATION CAUSE NO. 25676 of 2024 IN THE MATTER OF THE ESTATE OF THE LATE KARIM CHARLES MAGOTTO (DECEASED) IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY JACQUELINE SIMON MLUNDE

RULING

Date of last order: 28/11/2024 Date of Ruling: 29/11/2024 S. D. MWAIPOPO J, This Petition was initially filed by Jacqueline Simon Mlunde hereinafter to be referred to as the first petitioner, under section 56 of the Probate and Administration of the Estates Act, Cap 352 RE 2002, for the grant of letters of administration of the estate of the late Karim Charles Magotto. Following the filing of the Petition, Mr. Joseph Mkori Wambura, a young brother of the deceased person filed a caveat against the appointment of Jackline Mlunde, as an administrator of the estate of her late husband contending that they were both appointed by the family meeting to petition for the grant of letters of administration. The hearing of the caveat was conducted on 25/11/2024 whereby upon suspension of the proceedings by the court to pave way for amicable settlement between the parties, Jackline Mlunde, the first Petitioner herein, agreed for one Joseph Mkori Wambura to be added as a second petitioner and consequently, Mr. Joseph Mkori Wambura withdrew his caveat hence this court issued an order for him to be added as a second Petitioner, subject to him filing all the necessary documents in compliance with the law. Therefore, the current Petition involves two Petitioners. Pursuant to the records contained in the file, the Petition is in respect of the grant of letters of administration for the estate of late Karim Charles Magotto who died intestate at Agakhan Hospital Ilala - Dar es Salaam, on the 27th December 2022. The deceased person is survived by four heirs who are the beneficiaries of his estate, as they are listed or stated in the Petition therein. Both Petitioners were approved by the family to Petition for letters of administration in a family meeting held on 08/04/2024. According to the information contained in the Affidavit, the deceased person was a Tanzanian who professed Christian religion and at the time of his death, had a fixed place of abode at Sinza E - Ubungo Municipality, Dar es Salaam. The Petitioners have fulfilled all the requirements of publishing the citation in the Government Gazette dated 18th October 2024 on page 258 and in Mwananchi newspaper dated 19th October 2024 on page 21. All the documents have been uploaded onto the e-cms and originals verified in court. Furthermore, the original copy of the Death Certificate of late

Karim Magotto has been tendered and admitted in court for custody pursuant to the procedure and requirements of the law. This court has observed from the records that, following the 14 days statutory notice, a caveat was filed by one Joseph Mkori Wambura as stated hereinabove to object the appointment of Jackline Mlunde as an administrator of the estate, however the same was withdrawn by the caveator as stated hereinabove. Thus, this court further ordered for further documents to be filed in support of the Petition in respect of Joseph Mkori Wambura. Having considered the Petition and all the relevant documents, this court finds that, the Petition is in order and the Petitioners have met all the legal requirements for the grant of letters of administration. In view of the foregoing, I proceed to allow the Petition by granting the letters of administration and I hereby appoint Jacqueline Simon Mlunde and Joseph Mkori Wambura as the Administrators of the estate of late Karim Charles Magotto. The Administrators are hereby ordered to administer the estate in accordance with the law and submit a true and correct Inventory and Final Accounts of the deceased estate to this court within the time prescribed by this court. It is so ordered. Dated at Temeke this 29th Day of November 2024 S.D. MWAIPOPO
JUDGE 29/11/2024

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ORIGINAL SOURCE	https://media.tanzlil.org/media/judgment/324798/source_file/2b51ff8e52df1e17/ocr_4_Mwai_tanzlil_MAGOTO.pdf
CASE PAGE	https://chat.esheria.ai/case-law/tanzania/lettersofadministration-tanzlil-2024--6a3ea5243b1caa912981a2f5

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