

TANZANIA / JUDGMENT

in the matter of the estate of the late obed laizer vs in the matter of an application for letters of administration by suzan obed laizer 2023 tzhc 19428 31 july 2023.

COURT
TZHCDECIDED
31 July 2023

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA IN THE DISTRICT REGISTRY OF ARUSHA AT ARUSHA PROBATE & ADMINISTRATION CAUSE NO. 7 OF 2023 IN THE MATTER OF THE ESTATE OF THE LATE OBED BOAZ LAIZER..... DECEASED AND IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY SUZAN OBED LAIZER..... PETITIONER

RULING

27/07/2023 & 31/07/2023 GWAE, J The petitioner herein is the wife of the deceased one OBED BOAZ LAIZER who died intestate on the 1st day November 2017. The deceased person and petitioner were blessed with the following five issues during subsistence of the marriage; Upendo Obed Laizer (Daughter), Marry Obed Laizer (Daughter), Adelaida Obed Laizer (Daughter), Alfred Obed Laizer (Son) and Thomas Obed Laizer (Son). To make the records clear, this is the second petition filed by the petitioner seeking for letters of administration to administer the estate of her late husband. In the first petition (Probate and Administration Cause No. 16 of 2018) this Court before Mzuna, J now retired, J granted the i petitioner letters of administration to administer the estate of her late husband and the same was issued on 13th June 2019. According to the petition the petitioner administered the estate of the deceased and filed inventory and accounts in Probate and Administration Cause No. 16 of 2018 and the same was closed but unfortunately, she later on found out that she left out some of the properties including the bank accounts which she had no knowledge of their existence at the time of administration of the deceased estate. As the Probate and Administration Cause No. 16 of 2018 has already been closed, the petitioner has filed this fresh petition seeking to be granted letters of administration to administer the remaining estate of her late father. The following unadministered properties have been listed in the petition, which are to be administered by the petitioner if this petition is granted;

1. One farm measuring 25 acres located at Naitolya Village, Makuyuni Ward in Monduli District.

2. CRDB Bank Account No. 01J2085256001 the account name is OBED BOAZ LAIZER.
3. CRDB Bank Account No. 01J24852500 the account name is OBED BOAZ LAIZER.
4. CRDB Bank Account No. 01J2049038600 Account name is OBED BOAZ LAIZER. 2
5. CRDB Bank Account No. 01J2085256000 Account name is OBED BOAZ LAIZER.
6. Motor Vehicle make Toyota Corolla with registration No. T 937 ATU When this matter was called on for hearing, the petitioner appeared in person unrepresented. However, she reiterated what she stated in her petition. In addition, she produced original birth certificate and Marriage certificate. Going through the records of this application and considering the fact that the petitioner had once been appointed by this Court to administer the estate of her late husband and having established that there are some properties whose their existence came to the knowledge of the petitioner after the previous Probate Cause had already been closed. Thus, they are subject to administration to the surviving heirs of the deceased including the petitioner who is the widow. The persons who are given priority to grant of probate or letters of administration are always those interested in the estate. I would like to fortify my holding by the decision of the Court of Appeal in Naftary Petro vs. Marry Protas (2019) T.L.R 561 where it was held 'Thus, any person, who, according to the rules for the distribution of the estate of an intestate applicable in the 3 "URT: "sm»» «« the inventory by the administratrix. 31/07/2023 5

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