

TANZANIA / JUDGMENT

NKUMUKE SIMON YONGOLO FOR TANZLII

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4 October 2024

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IN THE HIGH COURT OF TANZANIA DODOMA SUB - REGISTRY AT DODOMA PROBATE AND ADMINISTRATION CAUSE NO. 9604 OF 2024 IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF ESTATES ACT, CAP. 352, R.E. 2002 AND IN THE MATTER OF THE ESTATE OF THE LATE MMETA GRACEFORD SIMON YONGOLO..... ..DECEASED AND IN THE MATTER OF AN APPLICATION FOR LETTERS OF ADMINISTRATION BY NKUMUKE SIMON YONGOLO.... PETITIONER

RULING

2nd September & 4th October 2024. MUSOKWA, J, The petitioner herein is seeking for the grant of letters of administration, in respect of the estate of the late Mmeta Graceford Simon Yongolo who died intestate on 30th January 2020, at KCMC Hospital in Moshi Region. The petition has been preferred under section 56 of the Probate and Administration of Estates Act, Cap. 352, R.E. 2002 (PAEA). According to the pleadings, the deceased is survived by Mary William Yongolo (wife), i Nkumuke Simon Yongolo (son and the petitioner herein), Misambwa Agness Yongolo (daughter), Nateiya Mmeta Yongolo (daughter), and Hava Victoria Mmeta Yongolo (daughter). In support of the petition, is an affidavit for grant by sole administrator deponed by the petitioner; the consent of heirs; administration bond with sureties; affidavit as to domicile; administrator's oath, certificates as to sureties' financial position, copy of minutes of the clan meeting, and a certified copy of the death certificate. The deceased, at the time of his death had his place of abode in Dodoma Region, within the jurisdiction of this court. The following are the assets acquired by the deceased in his lifetime, and which comprise of his estate; one house located at Nzuguni B, in Dodoma Region; one farm located at Morogoro; two plots located at Kimbiji in Dar es Salaam; one plot located at Sikonge Town; two houses located at Chabutwa Village, Sikonge District, in Tabora Region; two unsurveyed plots of land in Tabora Municipality; two unsurveyed farms at Kimbiji, Dar es Salaam; 2,100 shares of Precision Airways; one shotgun 12 bore marlin makers No. 21; and one pistol 9mm browning makers No. A224312. In compliance with the orders of this court issued on 16th July 2024, the general citation was published. The said publication was effected through 2 the Government Gazette dated 9th August. 2024; in the Mwananchi and Habari Leo Newspapers both dated 20th July, 2024. Following thereof, no caveat or objection was entered and the matter was scheduled for hearing on 2nd September, 2024. The petitioner was

represented by Mr. Elias Machibya learned counsel. On the date scheduled for hearing, three witnesses were paraded to testify in support of the petition. The witnesses were Nkumuke Simon Yongolo, Mary William Yongolo, and Misambwa Agness Yongolo. The son, wife and daughter of the deceased respectively. I have carefully examined the documents before this court in respect of the petition, including the evidence that has been adduced thereto. The provision of Rule 76 of the Probate Rules, G.N No. 369 of 1963, provides that: - "76. Where a general citation is required to be published by these Rules or by the court, no probate of a will or letters of administration shall be granted until after the expiration of fourteen clear days from the date of the first publication of such citation and unless no caveat or objection has been lodged during that period." *femphasis added*] It is on record that the orders of this court were duly complied with and the general citation was issued and published in accordance with the law. Proof 3 thereto was submitted in court prior to the date scheduled for the hearing of this matter. Accordingly, no caveat or objection had been entered within the 14 statutory days period from the date of the last publication of the citation. Further, in light of the evidence that has been adduced in court including the testimonies of the witnesses, this court is satisfied that the petitioner is a fit person to be appointed as the administrator of the estate of the deceased. In view of the foregoing, the petitioner, Nkumuke Simon Yongolo, is hereby appointed as the administrator of the estate of the late Mmeta Graceford Simon Yongolo. The petitioner shall administer the estate of the deceased in accordance with the law. Further, the petitioner shall, from the date of the appointment herein, file an inventory and final account of the estate of the deceased in accordance with the provision of section 107(1) of the PAEA. It is so ordered. DATED at DODOMA this 4th day of October, 2024. Ruling delivered in the presence of Ms. Catherine Wambura, learned advocate for the petitioner; and in the absence of the petitioner. I.D. MUSOKWA JUDGE 5

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Prepared on 13 October 2026 · Esheria