

TANZANIA / JUDGMENT

MISC

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA (ARUSHA SUB-REGISTRY) AT ARUSHA MISCELLANEOUS CIVIL APPLICATION NO.105 OF 2023 (C/F Probate and Administration Cause No. 10 of 2016) PARAMJEET GURDEV SINGH SANDHU..... 1st APPLICANT HARDEEP GURDEV SINGH SANDHU..... 2nd APPLICANT KALWANT GURDEV SINGH SANDHU..... 3rd APPLICANT VERSUS HARVINDER KAUR (As Administratrix of the estates of the late GURDEV SINGH SANDHU)..... RESPONDENT

RULING

03/04/2024 KIWONDE, J.: The applicants named above filed an application by way of chamber summons supported by a joint affidavit praying for the following court

orders:

- (a) That, this honourable court, for the interest of justice be pleased to revoke or annul the grant of letters of administration dated 19th December 2016 to the respondent in Probate and Administration Cause No. 10 of 2016.
- (b) Any other relief this court deems fit to grant.
- (c) Cost to be provided for in the cause. The respondent was served by way of publication in Habari Leo newspaper dated 18th -25th December 2023. However, she did not appear to court and so, the matter proceeded ex parte. On 03/04/2024 it was agreed by the counsel for the applicants and ordered by this court that the application be argued by way of filing written submissions and he filed them. In his submissions in-chief, the counsel for the applicants, one Mr. Kennedy Mapima, advocate, argued that the reasons for applying for revocation of the appointment of the administratrix of the deceased estates, one Harvinder Kaur include that since her appointment on 19th December 2016, she has failed to discharge her duty and no inventory and or final accounts are filed in court and that she was discriminatory by excluding the applicants from being among beneficiaries of the deceased estates. The counsel for the applicants cited some case laws which I find not necessary to repeat them here. 21 From the pleadings and written submissions, the main issue for determination is whether sufficient cause has been shown for the court to issue an order revoking the grant of letters of administration granted to the respondent. It is clear from the

records that the respondent was appointed by this court administratrix of the deceased estates of the late Gurdev Singh Sandhu right from 19th December 2016. The applicants asserted that since then, she has failed to discharge her duty by failure to file inventory and or final accounts and that she discriminated them when she excluded them on reason that they are not beneficiaries of the deceased estates. The facts are deponed under paragraphs 4 and 7 of their joint affidavit supporting the application. However, when I keenly went through the records, it came to my knowledge that the Probate and Administration Cause No. 10 of 2016 was formally closed by this court on 4th November 2022 (Gwae, J.) after the counsel for the administratrix, one Chadha, advocate informed the court that the administratrix had filed an inventory and the final accounts of the deceased estates. In law, once the probate is closed upon filing inventory and final accounts, there remains nothing to revoke. This was a position in *Edna Mfuruki Versus Grace Mfuruki*, (PC) Civil Appeal No. 16 of 2021, [2022] TZHC 11774 (17th February, 2022) TanzLII. Also, in *Ahmed Mohamed Al-Lamaar versus Fatuma Bakari and another*, Civil Appeal No.71 of 2012, Court of Appeal of Tanzania (unreported), it was stated inter alia that given the fact that the administrator had discharged the duty, whether honestly or otherwise, and exhibited the inventory and accounts in court, there is no granted probate which could have been revoked. In the application at hand, the administratrix of the deceased estates discharged her duty, filed in this court the inventory and final accounts and the matter was closed on 4th November, 2022 by this court. Therefore, there is nothing to revoke. Consequently, I find and hold that the application lacks merits. It is hereby dismissed. No order as to cost for the matter was heard ex parte. Dated at Arusha this 7th May, 2024. F. H. K^ONDE JUDGE 07/05/2024. 4 Court: Ruling is delivered in court room in the presence of the 3rd applicant and Mariam (RMA) but in the absence of the 1st and 2nd applicants and the respondent this 7th May, 2024 and the right of appeal is explained. F. H. KI NDE JUDGE 07/05/2024 5

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