

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

[ARUSHA DISTRICT REGISTRY]

AT ARUSHA

PROBATE AND ADMINISTRATION CAUSE No. 16 OF 2022

**IN THE MATTER OF THE PROBATE AND ADMINISTRATION OF THE
ESTATES ACT [ACT NO. 9 OF 1963]**

**IN THE MATTER OF ADMINISTRATION OF THE ESTATE OF THE LATE
DEOGRATIUS MAHAMBA MUJUMALI**

AND

**IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF
ADMINISTRATION BY ANGELA EZEKIEL MBAGA**

RULING

15th December, 2022

TIGANGA, J.

The late Deogratus Mahamba Mujumali died intestate at Mount Meru Hospital in Arusha, on 21st April 2022 living behind one wife Angela Ezekiel Mbaga and three children, namely; Catherine Deogratus Kabaka Clarinda Deogratus Kabaka and Charmeine Deogratus Kabaka (all daughter). He also left behind a number of landed properties which included one house at Kigamboni in Dar Es Salaam City, one plot at Manyira in Arusha city and a share in another plot at Manyira in Arusha City as well as his employment benefits with his employer Arusha City Council.



After his demise, the family conducted a meeting in which they proposed and endorsed the wife of the deceased one Angela Ezekiel Mbaga to be appointed as the Administratrix of the estate of the deceased. Following that endorsement, the said Angela Ezekiel Mbaga filed this petition seeking to be appointed as the Administratrix. Her petition was attached and supported by the death certificate of the deceased which proves that, the deceased died on 20th April 2022. It was also supported by a copy of the document titled "Muhtasari wa Kikao cha Familia kwa ajili ya Kuhitimisha Msiba wa Mpendwa wetu Ndg. Deogratias Mahamba Mujumali Aiyefariki kwa ajali ya gari siku ya tarehe 19/04/2022 iliyotokea huko Arusha" in which, the petitioner was proposed and endorsed to be appointed as administratrix of the estate.

The petition was accompanied by the affidavit as to domicile by the petitioner made in terms of Rule 64 of the Probate Rules, the Administrators Oath made in terms of section 66 of the Probate and Administration of the Estate Act Cap 352 R.E. 2002 and Rule 65 of the Probate Rules.

Administrators bond with sureties made under S. 67 of the Act and Rule 66 of the Rules, and the certificate as to sureties' financial position made under Rule 69 of the Probate Rules.



By the order of this court the public notice was issued which was published in the Government Gazette Issue No. 35, dated 02nd September 2022 as well as in Mwananchi Newspaper dated 20th August 2022. But up to this moment, that is on 08th December, 2022 when the matter was called for hearing, no caveat has been entered.

In a bid to satisfy itself on the fitness, faithfulness and trust worth of the petitioner, the court called upon the petitioner to tell the court as to whether she was really a fit person to be so appointed, and to call the beneficiaries and other family members who participated in the family meeting which endorsed the Petitioner to be appointed as administratrix of the estate to testify in court. In a bid to convince the court as to her fitness, the petitioner told the court that, she is a fit person to be so appointed as she is the only wife of the deceased and the mother of all three children of the deceased who are the beneficiaries of the estate. she also tendered two exhibits in original form. The is the death certificate and the minutes of the family meetings which endorsed the petitioner to be appointed the administratrix of the estate

Four witnesses namely Michael Baruti Gilla, brother of the deceased, who testified as PW2, Ferdinand Stanley Inyali, young brother of the deceased, who testified as PW3, Elias Manyesho Chande, cousin brother of the deceased who testified as PW4 and Catherine Deogratus Kabaka,



- iv. Whereafter, in six months of his appointment, the administrator shall be required to file in court, the final account with the detailed distribution of the said estate to the entitled heirs.
- v. Mention to ascertain as to whether inventory has been filed be on 15/04/2023.

It is so ordered.

DATED at **ARUSHA**, this 15th day of December, 2022.



A handwritten signature in blue ink, appearing to read "J. C. Tiganga", is written over a horizontal line.

J. C. TIGANGA

JUDGE