

**IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA
ARUSHA SUB-REGISTRY
AT ARUSHA**

PROBATE AND ADMINISTRATION CAUSE NO. 12 OF 2022

IN THE MATTER of the estate of the Late ELIYA STANLEY MBONEA

AND

**IN THE MATTER of petition for letters of administration of the Late ELIYA
STANLEY MBONEA by NEEMA SIFUEL MINJA**

RULING

14/03/2023 & 14/03/2023

KAMUZORA, J.

This ruling is in respect of Probate and Administration Cause No. 12 of 2022. The petition was brought under the provision of section 56 of the Probate and Administration of Estates Act Cap 352 RE 2019 and Rule 39 together with Form No. 27 of the Probate Rules.

The Petitioner **NEEMA SIFUEL MINJA** is petitioning for grant of letters of administration of the Late **ELIYA STANLEY MBONEA** who died interstate. The petition is well supported by burial permit, affidavit as to the deceased's domicile, affidavit as to the consent of heirs, administration

bond and certificate as surety's financial position. The minutes for the family meeting appointing the Petitioner to apply to be appointed administratrix of the deceased's estate was also attached to the petition.

Submitting in support of the petition, the counsel for the Petitioner Mr. Gerge Mnzava averred that the Petitioner is the wife of the deceased Eliya Stanley Mbunea. That the deceased was survive by three heirs; the wife Neema Sifuel Minja and two sons, Alvin Eliya Mboneya and Alvis Eliya Mbunea. That, the Petitioner was appointed in the family meeting to petition for letters of administration and the meeting minutes was attached to the petition. That, according to the Petitioner's knowledge, the deceased left properties including; a house (matrimonial home) built in plot No. 677 Block A measuring 910 sqms located as Burka Arusha worthy Tshs. 250million, a land plot No. 399 Block TT measuring 437 sqms located at Maisaka Katani area in Babati town worthy Tsh 1,200,000/=, a farm measuring two acres situated at Nadosoito Kusini herein Arusha worth Tshs 5million, 5000 ordinary shares at Precision Air Services PLC worth Tshs. 2,500,000/=, Bank account at CBA No.107112877100001, the amount unknown and money in PSSF fund with Identification No. 111736. That, the deceased died interstate and due search has been made and no WILL has been found. That, the deceased was a Tanzanian

and prophesised Christian religion and during the time of his death had fixed place of abode at Burka in Arusha Region.

The counsel for the Petitioner added that, no proceedings for the grant of probate of letters of administration of the estate of the said deceased had been commenced before any court or authority whether here in Tanzania or outside. That, no any objection has been filed by anyone since this petition was filed in court. He therefore prayed for this court to grant this petition.

On clarification, the Petitioner added that she works as Assistant Administrator at Heres Life Africa Mission and her surety to this administration is Bishop Stanley Ibrahim Hotay who is a religious leader and her boss at work. That, she had two children with the deceased Alivin aged 13 years old and Alvis aged 9 years old.

I have gone through the documents filed in respect of this petition and the evidence by the Petitioner. The records are clear and show that the citation was issued and published by the Petitioner in compliance with the legal requirements. The counsel for the Petitioner submitted in court the official gazette dated 2nd December 2022 and the local newspaper, Mwananchi Newspaper dated 4th August 2022. It is clear that, 14 days from the date of last publication of the citation has lapsed and no caveat

or objection has been lodged in court. In that regard, this court is satisfied that the Petitioner is a fit person to be appointed administratrix of the deceased's estate.

In consideration of the above observation, the Petitioner **NEEMA SIFUEL MINJA** is hereby appointed the administratrix of the estate of the deceased **ELIYA STANLEY MBONEA**. The Petitioner shall exhibit the inventory and file final account of the estate of the deceased within the period of six months from the date of appointment.

DATED at **ARUSHA** this 14th Day of March, 2023




D. C. KAMUZORA
JUDGE