

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

**ARUSHA SUB-REGISTRY
AT ARUSHA**

PROBATE AND ADMINISTRATION CAUSE NO. 16 OF 2023

IN THE MATTER OF THE PROBATE OF ESTATE OF THE LATE

YUSUF AHMED

AND

IN THE MATTER OF APPLICATION FOR GRANT OF LETTERS OF

ADMINISTRATION BY AMINA AHMED YUSUPH

PETITION FOR LETTERS OF ADMINISTRATION WHEN THE

DECEASED DIED INTESTATE

RULING

21st & 28th February, 2024

Masara, J

The Petitioner, **AMINA AHMED YUSUPH**, is the granddaughter of the Late **YUSUF AHMED** who died Intestate in 1973. The Petitioner is applying for letters of administration after the previous Administrators failure to conclude the Administration. The Petition is accompanied by a death certificate of the deceased issued on 07th February 1984 by Registrar General of Deaths of Kenya. The Petition also has the affidavit as

to domicile, administrator's oaths, administrator's bond with sureties and certificate of the 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.

A brief background culminating to the delay of this matter as depicted in the pleadings can be summarised as follows: At the time of his demise, the deceased was survived by three heirs; that is, Khadija Ally Dhahir, the deceased wife; Ahmed Yusuf Ahmed, the deceased's son, and Mohamed Yusuf Ahmed, also the deceased's son from another woman. Out of the said three heirs, it is only Mohamed Yusuf Ahmed who is alive. After the death of the deceased, his wife, Khadija Ally Dhahir, petitioned and was appointed to administer the estate of her deceased husband. Nothing proceeded until her appointment was revoked. Mohamed Yusuf Ahmed petitioned and was granted letters of administration to administer the estate of the late Yusuf Ahmed, following the revocation

That, on 23/06/2023 this Court through Misc. Civil Application No 59 of 2022 did revoke the letters of administration granted to Mohamed Yusuf Ahmed and no further appointments were made to replace him. Incidentally, the deceased left only one property for the estate which was being occupied by his wife and the surviving children. Incidentally, Ahmed

Yusuf Ahmed, the only son to the said Khadija Ally Dhahir, had seven children who survived him. They also grew up in the said house and claim rights accruing to their father. They are, putting it bluntly, legal heirs to his portion over the estate of the late Yusuf Ahmed. The Petitioner, is one of the seven children of the late Ahmed Yusuf Ahmed. She has preferred the current Petition seeking for the grant of letters of administration of the late Yusuf Ahmed.

Submitting in support of the Petition, Counsel for the Petitioner Mr Muhalila stated that, compliance was made to the Court's directives, whereas summons was issued to all heirs whereby 5 of them appeared in Court. 2 of them reside outside the country; namely, Fatuma Ahmed Yusuph and Anab Ahmed Yusuph. These consented to the Petitioner's application and a printout of the email communication was tendered to that effect. That the remaining beneficiary, one Mohamed Yusuph Ahmed, did not show cooperation and a court broker's affidavit was tendered to substantiate the same.

This Court did ask some questions to those in attendance. They were asked whether they had any objections to the Petitioner's application for appointment as the administratrix of the estate of their grandfather; they indicated that they had none. On the side of the Petitioner, she indicated

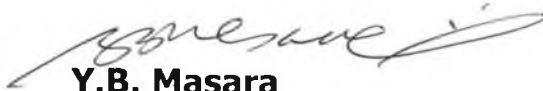
that there is a strong possibility that the property under administration was sold by the former administrator and the petitioner indicated her readiness to take measures to safeguard the estate, irrespective of whatever had happened.

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. Counsel for the Petitioner tendered in court the Official Gazette dated 01/09/2023 and the local daily, Mwananchi Newspaper, dated 21/08/2023, all evidencing that citations were made. There is no caveat filed against the Petitioner after the lapse of the required 14 days from the date of last publication of the citation. In that regard, this Court is satisfied that the Petitioner is a fit person to be appointed the administratrix of the deceased's estate.

In consideration of the above observation, the Petitioner, **AMINA AHMED YUSUPH**, is hereby appointed the administratrix of the estate of the deceased **YUSUF AHMED**. The Petitioner shall exhibit the inventory and file final account of the estate of the deceased within the period of three and six months respectively from the date of the appointment.

Order accordingly.




Y.B. Masara

JUDGE

February 28, 2024

Original