IN THE HIGH COURT OF TANZANIA
AT DAR ES SALAAM
PC CIVIL APPEAL NO. 31 OF 2003

MARIAM DORINA	}
JUSTINE DANIEL	} APPELLANTS
	VERSUS
KISHA LUGEMALILA	RESPONDENT

RULING

ORIYO, J.

The appeal originates from Probate and Administration Cause No. 63/02 at the Kinondoni Primary Court whereby the respondent was appointed the administrator of the Estate of Philibert Mambo, deceased. According to the Primary Court record, the respondent was obliged to administer the estate on behalf of three children of the deceased, being the beneficiaries. Further, the trial court made the appointment on the strength of a copy of minutes of the deceased family meeting which had appointed the Respondent to oversee the estate as the deceased widow.

Subsequent to the appointment, the appellant, a former wife of the deceased, was not happy with the appointment of the Courts Act, 1984. The provision provides a right of appeal on a party to the proceedings; and not otherwise.

Having demonstrated the foregoing. I have no doubts in my mind that the appellant has no right of appeal to this court because she was not a party to the original proceedings. I therefore uphold the preliminary point of objection and accordingly, I strike out the appeal.

I have noted that the appellant is a legal aid recipient and I make no order for costs.

It is so ordered.

K.K.Oriyo JUDGE

ORDER:

- 1. The appellant has no locus standi
- 2. The appeal is struck out
- 3. No order for costs.

K.K.Oriyo JUDGE 30/5/2005