

**IN THE HIGH COURT OF TANZANIA
(DODOMA DISTRICT REGISTRY)**

AT DODOMA

PROBATE & ADMINISTRATION CAUSE NO. 6 OF 2021

(In the matter of the Estate of the late Rtd. Justice Raymond John
Lwegongwa Ruhumbika of Dodoma City at Kilimani)

AND

IN THE MATTER OF APPLICATION FOR LETTERS OF ADMINISTRATION
WHEN DECEASED DIED INTESTATE (SECTION 56 (1) OF THE PROBATE
AND ADMINISTRATION OF ESTATES ACT [CAP 352 R.E 2002]

CLEOPHAS KASEZA RUHUMBIKA.....PETITIONER

RULING

1/10/2021 & 15/10/2021

MASAJU, J

The Petitioner, Cleophas Kaseza Ruhumbika, resident of Tegeta, Dar es salaam has petitioned the Court for grant of Letters of Administration of the estate of the late Rtd. Justice Raymond John Lwegongwa Ruhumbika, his biological father, who died intestate, at Dodoma General Hospital within Dodoma City on the 23rd day of August, 2021.

The Petition is made under Section 56(1) of the Probate and Administration of Estates Act, [Cap 352] supported by the Petitioner's

Affidavit as to the late Justice Raymond John Lwegongwa Ruhumbika's Domicile, Administrator's Oath, Administration Bond Without Surety, General Citation, Consent of Heirs, the late Justice Raymond John Lwegongwa Ruhumbika's Certificate of Death and the Minutes of the late Justice Raymond John Lwegongwa Ruhumbika's family Meeting, which meeting *inter alia* nominated the Petitioner to apply for grant of Letters of Administration of the estate of the late Justice Raymond John Lwegongwa Ruhumbika, hence this Petition.

The Petition, *inter alia*, identifies and states under paragraph 4 the movable and immovable properties, including cash properties which belong to the estate of the late Justice Raymond John Lwegongwa Ruhumbika which shall be subject of his administrative mandate in case the Petition is granted. In the 7th and 8th paragraphs of the Petition, the Petitioner state that the late Justice Raymond John Lwegongwa Ruhumbika was Kerewe by tribe who professed christian religion and that there was no proceedings for grant of probate or letters of administration of the estate which has been commenced before any Court or authority within the country or somewhere else.

The General Citation of the Petition under Section 75 of the Probate Rules, 1963 was published in the MWANANCHI Newspaper dated the 29th day of September, 2021. By the time the Petition was heard in the Court today the 15th day of October, 2021 nobody had contested the Petitioner to be appointed the Administrator of the estate of the late Justice Raymond John Lwegongwa Ruhumbika.

Ms. Josephine Paul Mnzava, the learned counsel, who appeared for the Petitioner, in the presence of the Petitioner adopted the Petition with all the legal instruments thereof including the Petitioner's Oath (Affidavit) to form part of the submissions in support of the Petition accordingly. He prayed the Court to grant the Petition accordingly, for the Petitioner's eligibility for appointment of administrator of his late father's estate had not been contested.

With this in mind, since there is the Petitioner's oath that in the event he is appointed Administrator of the estate of the late Justice Raymond John Lwegongwa Ruhumbika he will discharge his administrative duties faithfully in accordance with the law, including filing the Inventory thereof within six (6) months of the grant of the Letters of Administration of the estate, the Petition is hereby granted accordingly.

The Petitioner is hereby appointed Administrator of the estate of the late Justice Raymond John Lwegongwa Ruhumbika. The Administrator shall faithfully, diligently and timely discharge his administrative duties in accordance with the Probate and Administration of Estates Act, [Cap 352], the Probate Rules, 1963 thereof and any other relevant laws thereof, including filing the Inventory in the Court upon conclusion of the administration of the estate within six months of this Ruling. The Petitioner shall bear his own costs.




GEORGE M. MASAJU

JUDGE

15/10/2021