

**IN THE COURT OF APPEAL OF TANZANIA  
AT ARUSHA**

**(CORAM: JUMA, Ag. C.J, MUGASHA, J.A. And MWANGESI, J.A.)**

**CIVIL REVISION NO. 1 OF 2017**

**REVENANTH ELIAWORY MEENA ----- APPLICANT**  
**VERSUS**  
**ALBERT ELIAWORY MEENA ----- 1<sup>st</sup> RESPONDENT**  
**ANNETH ELIAWORY MEENA ----- 2<sup>nd</sup> RESPONDENT**

**(Application for Revision from the Proceedings and Ruling of the High Court of  
Tanzania at Moshi District Registry.)**

**(Fikirini, J.)**

**dated the 14<sup>th</sup> day of September, 2016**

**in**

**Probate and Administration Cause No. 3 of 2015 and  
Miscellaneous Civil Application No. 25 of 2016**

**RULING OF THE COURT**

**15<sup>th</sup> & 22<sup>nd</sup> May 2017**

**MWANGESI, J.A.**

This application was opened *suo motu* in terms of the provision of section 4 (3) of the Appellate Jurisdiction Act, Cap 141 RE 2002, pursuant to the directive of the Honorable Chief Justice dated 17<sup>th</sup> November 2016. It was subject to an undated complaint letter with no reference No., which was written to him by the applicant complaining about the proceedings in Probate and Administration Cause No. 3 of 2015 at the High Court of

Tanzania, Moshi District Registry. It was alleged in the complaint letter that, the said proceedings, which were in relation to the administration of the estate of the late Dr. Eliawory Kristosia Meena, pending before the Court, and Miscellaneous Civil Application No. 25 of 2016 in respect of the same matter, which had been concluded, were conducted in blatant disregard of the Probate and Administration of Estates Act, Cap 352 RE 2002, and the Probate Rules. The brief complaints of the applicant as contained in a summary that was made by the Honorable Registrar of the Court of Appeal and presented to the Honorable Chief Justice reads as hereunder:-

- (a) The petitioner in Probate and Administration Cause No. 3 of 2015 before the High court of Tanzania at Moshi Registry is petitioning for letters of administration of the deceased's estate instead of petitioning for grant of letters of probate or petitioning for letters of administration with a Will annexed. The reason for not annexing the Will is that they contest it.
- (b) The court is proceeding as if the deceased died intestate as provided by section 55 of the Probate and Administration of Estates Act, Cap 352 RE 2002.

