

MANUGWA LUTALAMILA & 2 ors. V. MARTHA LUTALAMILA (1982) TLR 98 - Mfalila, J.¹

See MCA, sec. 320/1964.

1. In the administration of estates where the law applicable is customary law the Chief Justice is empowered u/s 14 (2) of MCA, 1963 to confer jurisdiction upon Primary Courts to administer the same.
2. Where the matter in issue is inheritance in customary law, then irrespective of the nature of the property involved, the Primary Court has jurisdiction unless the High Court has directed under section 88 of the Probate and Administration Ordinance that the provisions of that ordinance shall apply to the estate in question.
3. Under s.57 (1) of MCA, 1963 THE District Court is denied original jurisdiction to determine a matter of inheritance arising out of customary law.
4. The District Magistrate was wrong in declaring the proceedings in the Primary Court null and void and quashing them; he should have decided the appeal on merits. Order accordingly.

Posted by \ZainabMrishoMwatawalaat \10:14 PM \ \

¹<http://mlamwassawaukae.blogspot.com/2011/02/customary-law-cases.html>