



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KITALE**

**SUCCESSION CAUSE NO. 71 OF 2019**

**IN THE MATTER OF THE ESTATE OF THE LATE HENRY WAMBIJI – DECEASED**

**CECELIA MULONGO .....1<sup>ST</sup> OBJECTOR/APPLICANT**

**SHEILA CHEBIWOT .....2<sup>ND</sup> OBJECTOR/APPLICANT**

**VERSUS**

**MARIA ANGELA WAMBIJI.....1<sup>ST</sup> PETITIONER/RESPONDENT**

**NINA NAWANJAIYA WAMBIJI .....2<sup>ND</sup> PETITIONER/RESPONDENT**

**RULING**

Henry Wambiji Waudu, the deceased to whose estate these proceedings relate died on 23<sup>rd</sup> March 2018. A petition for a grant of letters of administration intestate was filed before the Kitale Chief Magistrate’s Court in Succession Cause No. 84 of 2018. Among the properties listed as comprising the estate of the deceased are **LR Nos Cherengani/Nzoia Block 4/Crossway/6** measuring **33.52 Hectares** and **Nakuru Municipality/Block 3/3/378** measuring **0.0367 Hectares**. On the face of it, prima facie, it appears that the Succession Cause was filed before a court which did not have jurisdiction to grant letters of administration in respect of the estate of the deceased. This is because the values of the above properties, when considered alone, is beyond the pecuniary jurisdiction of the Chief Magistrate’s Court which is Kshs 20,000,000/=.

In the premises therefore, so as to hear and determine all the matters in dispute, Kitale Chief Magistrate’s Court Succession Cause No. 84 of 2018 is ordered transferred to the High Court for hearing and final disposal. The Deputy Registrar of the court is ordered to give effect to the order of this court. Parties shall be at liberty to file appropriate applications before this court. There shall be no orders as to costs as this is a Succession dispute involving members of a family.

**DATED AT KITALE THIS 16TH DAY OF DECEMBER, 2021.**

**L. KIMARU**

**JUDGE**