

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

MISC. APPLICATION NO. 16 OF 2018

GRACE WALUCHIO SHIKHULE.....APPLICANT

VERSUS

FRANCIS OKUMU OTUNDO.....RESPONDENT

RULING

1. The originating Notice of Motion dated 13th March 2018 seeks the straightforward order of transfer of a succession cause filed at the Bungoma law courts, being Bungoma CMCSC No. 286 of 2016, to the Kakamega law courts for final disposal.
2. I have perused the record before me. The property in question, Butso/Esameyia/1349, is situated within Kakamega County. The documents lodged in Bungoma CMCSC No. 286 of 2016 indicate that the family of the deceased is resident within Kakamega County. The respondent administrator himself has a Kakamega address.
3. I find no reason to explain the filing of the cause at Bungoma instead of Kakamega.
4. I shall accordingly allow the Motion dated 13th March 2018 as prayed. The applicant shall have the costs of the application dated 13th March 2018 as prayed. The applicant shall have the costs of the application.

DATED, SIGNED and DELIVERED at KAKMEGA this 25TH DAY OF SEPTEMBER, 2018.

W. MUSYOKA

JUDGE