



**REPUBLIC OF KENYA**

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

**SUCCESSION NO. 612 OF 2011**

**IN THE MATTER OF THE ESTATE OF KARANJA KIRAGU – (DECEASED)**

**RULING**

1. The application dated 1<sup>st</sup> September 2011 invites me to consider ordering transfer of **Nyeri HCSC No. 375 of 2011** to the Nairobi registry for consolidation with **Nairobi HCSC. 1054 of 2011**. It is argued that the Nyeri cause was filed despite the pendency of the Nairobi cause.
2. The respondent swore an affidavit of 16<sup>th</sup> September 2011 in reply to the said application. He says that he became aware of the Nairobi proceedings after he had already filed his cause at Nyeri.
3. To my mind this is a straight forward matter. The three causes pending in court relate to the estate of the same individual. It does not matter that one relates to testate succession while the others are premised on intestacy. It is only right that all three be at the same registry, as the court before which they pend may wish to hear them simultaneously, even if no order for consolidation has been made.
4. From the Form P&A 5 filed in this cause, I note that the deceased died possessed of valuable property situated at Pangani and Bahati in Nairobi. It would be more convenient to hear the matter in Nairobi.
5. I hereby therefore order that the court file in **Nyeri HCSC NO. 375 of 2011** be transferred to the **Nairobi** registry where it shall be put together with **Nairobi HCSC No. 612 of 2011** and **Nairobi HCSC No. 1054 of 2011**. Thereafter the matter shall be mentioned before any judge in the Family Division, Nairobi, for directions on their disposal.
6. Costs shall be in the cause.

**DATED, SIGNED and DELIVERED at NAIROBI this 31<sup>st</sup> DAY OF January, 2014.**

**W. MUSYOKA**

**JUDGE**