



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 64 OF 2000**

**ESTATE OF ABDALLA SALIM ALI JENEBY - DECEASED**

**RULING**

This application by way of Notice of Motion dated 9th September, 2013 and expressed to be brought under section 3A of the Civil Procedure Act and order 18 of the Civil Procedure Rules seeks the transfer to this Court Mombasa Kadhis Court Succession Cause No. 39 of 2007 In the matter of the Estate of Abdalla Salim Ali Jeneby – Deceased.

The grounds being that the applicant /petitioner is a joint holder with Salma Rashid Khamis of a Grant of representation in this matter.

That the schedule to the certificate of grant indicates the Heirs to the Estate herein. The Assets are also clearly stated.

The schedule to the certificate of grant has also clearly provided for the mode of distribution which has to be in accordance with Islamic Law and under the Guidance of the Chief Kadhi.

By an order made on 1st April, 2008 in Mombasa Kadhi Succession Cause No. 39 of 2007 in the mater of Abdalla Salim Ali Jeneby the shares of the beneficiaries to the above Estate were determined by the Chief Kadhi and the Estate awaits to be distributed and it is the petitioners prayer that Mombasa Kadhis Succession Cause No. 39 of 2007 in the matter of Abdalla Salim Ali Jeneby be transferred to this Court and be Consolidated with the matter herein.

This application was served on Salma Rashid a co holder of a grant of Representation.

I am satisfied that it has merit and the transfer is granted in terms of prayer 6 of the Notice of Motion application dated 9th September, 2013.

Costs in the cause.

Ruling delivered dated and signed this **12th November, 2013.**

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**M. MU YA**

**JUDGE**

**12TH NOVEMBER, 2013**

**In the presence of:-**

Learned advocate for the applicant Mr. Maosa

Court clerk Musundi