

REPUBLIC OF KENYA

IN THE HIGH COURT

AT NYERI

MISCELLANEOUS SUCCESSION CAUSE 16 OF 2012

IN THE MATTER OF THE ESTATE OF GITAHI GAKERE alias ZAKARIA GITAHI GAKERE
- DECEASED

A N D

FREDRICK NDEGWA

GITAHI.....APPLICANT

R U L I N G

In the Motion dated 23rd April 2012, **Fredrick Ndegwa Gitahi** sought to have **Nyeri Senior Resident Magistrate's Succession Cause No.158 of 1987** to be withdrawn and transferred to this Court for hearing and determination. The motion is supported by the affidavit of Fredrick Ndegwa Gitahi.

I have considered the material placed before me and I think the Applicant has put forward genuine grounds in support of his application. He has stated that at the time of filing the cause before the Subordinate Court, he believed the aforesaid Court had jurisdiction to hear and determine succession matters. There is no contrary averment to controvert the Applicant's assertion. In the circumstances, I am constrained to allow the motion which I hereby do with costs being in the cause.

Dated and delivered this 8th day of June 2012.

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J. K. SERGON

JUDGE