

IN THE HIGH COURT OF KENYA
AT MOMBASA
Succession Cause 109 B of 2004

IN THE MATTER OF THE ESTATE OF WILFRED KAMAU ITUGI
APPLICATION BY JOSEPH ITUGI KAMAU
PATRICK MWANGI KAMAU

Coram: Before Hon. Justice Mwera
Peter Ng'anga for Applicant
Joseph Kamau for 1st Respondent
Patrick Kamau for 2nd Respondent
Court clerk – Kazungu

R U L I N G

Peter Ng'anga Kamau, one of the sons of the late Wilfred Kamau Itugi, has asked this court to transfer this cause so that it is dealt with finally at Nairobi High Court. He said that the estate and all the beneficiaries etc are in Thika area. He stressed that the 2 widows of the late Wilfred can conveniently travel to the Nairobi registry on account of this matter. The applicant seemed also to say that the matter was filed here without the other family member's knowledge/consent but that is not to be determined here.

The two administrators Joseph Itugi Kamau and Patrick Mwangi Kamau, did not see the need of moving this cause to Nairobi. Joseph lives in Mombasa and he thought that since the family gave him authority to handle the succession matters of this estate, he could do so through this registry. He saw no hitches or disputes at all. His brother Patrick had a similar view. That everything appears to be going on well except that Peter (the applicant) seems inclined to bring in hurdles etc here and there.

Having listened to the disputants here, may this cause be moved to the High Court registry Nairobi for the rest of the processes. The estate is said to be at Thika where the 2 widows of the deceased (mothers of the litigants here) and other beneficiaries reside. If need be, they can easily visit that registry.

It is so ordered. The costs to be borne by the estate.

Orders delivered on 9/11/2005.

J.W. MWERA
JUDGE