



**In re Estate of Johnson Theuri Mugo (Deceased) (Miscellaneous Application
E001 of 2025) [2025] KEHC 4711 (KLR) (7 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4711 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
MISCELLANEOUS APPLICATION E001 OF 2025**

LN MUTENDE, J

APRIL 7, 2025

**IN THE MATTER OF THE ESTATE OF JOHNSON THEURI MUGO (DECEASED)
AND
IN THE MATTER OF NYAHURURU SUCCESSION CAUSE NO. MCSUCC/5/201**

**IN THE MATTER OF
ALICE WANGECHI THEURI APPLICANT**

RULING

1. The Applicant herein, the widow of the deceased and Petitioner, seeks transfer of Nyahururu Succession Cause No MCSUCC/5/2019, In the Estate of Johnson Theuri Mugo (Deceased) from Nyahururu to the Chief Magistrate's Court at Nyeri for hearing and determination.
2. The application is premised on an affidavit deposed by the Applicant where she deposes that the family of the deceased predominantly resides in Nyeri town; some of the properties forming part of the estate of the deceased are located in Nyeri Town; the geographical distance between Nyahururu and Nyeri has been a hindrance to the prosecution of the succession cause, causing inconvenience and unnecessary expenses to the family; and, it is in the interest of justice to have the matter transferred to the Chief Magistrate's Court Nyeri, which has equal jurisdiction to hear and determine the succession cause.
3. I do note that the Petition for letters of Administration Intestate presented by the Applicant bear an address P.o. BoxNyeri. The deceased is stated to have been survived by the Applicant and their three (3) sons.
4. Section 47 of the *Law of Succession Act* grants the High Court jurisdiction to entertain any application and determine any issue arising in order to pronounce itself for purposes of expediency.
5. On the other hand, Rule 73 of the *Probate and Administration Rules* grants the court inherent power to make such orders as may be necessary for the ends of justice. These provisions of the law would empower this court to transfer the cause as there is no dispute whatsoever.



6. This is a case where the quest for transfer seeks the timely disposal of the proceedings at a cost affordable by the respective parties since it is stated that family members reside in Nyeri. This is a question of access to justice which is a core principle to the rule of law. The suit filed is competent, hence this Court has jurisdiction to effect a transfer.
7. Having considered averments by the Applicant, sufficient reasons have been given as to why the transfer is merited.
8. In the result, I grant orders sought. The Succession Cause (Nyahururu Succession Cause No MCSUCC/5/2019) is hereby transferred to Nyeri Chief Magistrate's Court for hearing and determination.
9. It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 7TH DAY OF APRIL, 2025.

.....

L.N. MUTENDE

JUDGE

