



REPUBLIC OF KENYA



**In re Estate of Dennis Oduor Otieno (Deceased) (Probate & Administration E011 of 2025) [2025] KEHC 10028 (KLR) (Family) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10028 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**PROBATE & ADMINISTRATION E011 OF 2025**  
**H NAMISI, J**  
**JULY 11, 2025**  
**IN THE MATTER OF THE ESTATE OF DENNIS ODUOR OTIENO (DECEASED)**  
**IN THE MATTER OF**  
**EMMA AWINO OTIENO ..... APPLICANT**

**RULING**

1. Before the Court is a Notice of Motion dated 23 May 2025, brought under the provisions of section 1A, 1B, 3A of the *Civil Procedure Act*, section 47 and 54 of the *Law of Succession Act* and Rule 36 and 73 of the Probate and Administration Rules.
2. A reading of the orders sought by the Applicant reveals that the Applicant ought to have moved the Court by way of a Petition for Special Limited Grant and not Notice of Motion.
3. Further, I have perused the Petition for Letters of Administration Intestate. I note that the Deceased was domiciled in Mombasa at the time of his demise. The list of assets provided does not lend much information as to their location, that would then justify filing of this matter in Nairobi.
4. For that reason, based on the domicile of the Deceased, this matter ought to be heard and determined by the High Court of Kenya at Mombasa. I hereby direct that this file be transferred to the High Court of Kenya at Mombasa. The DR is directed to facilitate the expeditious movement of the same.

**DATED AND DELIVERED AT NAIROBI THIS 11 DAY OF JULY 2025**

**HELENE R. NAMISI**

**JUDGE**

Delivered on virtual platform in the presence of:

Applicant: Ms. Kubai h/b Mr Oyatta



Libertine Achieng .....Court Assistant

