



**Magondu v Magondu & another (Miscellaneous Application
E015 of 2023) [2024] KEHC 7218 (KLR) (15 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 7218 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS APPLICATION E015 OF 2023
DO CHEPKWONY, J
MAY 15, 2024**

BETWEEN

ESTHER NYOKABI MAGONDU APPLICANT

AND

GEORGE KARANI MAGONDU 1ST RESPONDENT

JAMES MWANIKI MAGONDU 2ND RESPONDENT

RULING

1. The matter is for mention for parties to file directions on the Notice of Motion application dated 7th August, 2023, which seeks for an order for the transferring of Kimbo SPMCC No.269 of 2023, In The Matter of The Estate of James Kariuki (Deceased) currently pending before the Chief Magistrate’s Court at Kiambu to the Chief Magistrate’s Court at Nanyuki for hearing and determination.
2. The same is premised on the grounds set out on its face and Supporting Affidavit sworn by Esther Nyokabi Magondu on even date, the gist of it being that the deceased who died on 16th October, 1999 hailed from and was buried in Nanyuki where most of his properties are located and the beneficiaries of his estate reside.
3. In response to this application, the Respondents through the 1st Respondent George Karani Magondu filed a Replying Affidavit sworn on 9th October, 2023 denying all these claims by the Applicant.
4. However, the 1st Respondent has indicated that because the matter has been dragging for long, they have no objection to the application being allowed as presented.
5. In view of this, the Notice of Motion application dated 7th August, 2023 be and is hereby allowed in the following terms:-



- a. That Kiambu Spmcc. No.289 of 2023, In The Matter of The Estate of James Magondu Kariuki (Deceased) currently pending before the Chief Magistrate's Court at Kiambu be and is hereby transferred to the Chief Magistrate's Court at Nanyuki for hearing and determination.
- b. There shall be no order as to costs.

It is so ordered.

RULING DELIVERED, DATED AND SIGNED AT KIAMBU THIS 15TH DAY OF MAY, 2024.

D. O. CHEPKWONY

JUDGE

