



REPUBLIC OF KENYA



In re Estate of Owuor Oningu Otaa (Deceased) (Miscellaneous Succession Cause 152 of 2024) [2024] KEHC 6782 (KLR) (7 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6782 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KISUMU

MISCELLANEOUS SUCCESSION CAUSE 152 OF 2024

RE ABURILI, J

JUNE 7, 2024

IN THE MATTER OF THE ESTATE OF OWUOR ONINGU OTAA (DECEASED)

AND

IN THE MATTER OF AN APPLICATION BY MAURICE MATETE NYAIMBO (APPLICANT)

RULING

1. This file was opened pursuant to orders of Chief Magistrate Hon. D. Onyango, made on May 2, 2024 seeking directions for transfer of Kisumu CM Succession Cause No. E039 of 2024 from the Chief Magistrate's court Kisumu to a court with geographical jurisdiction.
2. The deceased Owuor Oningu Otaa died domiciled in Kisumu County.
3. Through the citation in Kisumu CM Citation No. 132 of 2022, the Citor Maurice Matete Nyaimbo was granted leave to file for a grant within 60 days. This was on November 29, 2023.
4. The Petition was only filed on January 30, 2024 which was a Tuesday working day and by that day, the 60 days had lapsed, going by the timelines given by the court.
5. It follows that unless that timeline is extended by the same court that issued the orders since this is a succession matter, anything filed outside that period is null and void.
6. I find nothing capable of being transferred from the Chief Magistrate's court at Kisumu to any other court as the period for filing of the succession cause following citation, with leave of court granted on November 29, 2023 lapsed.
7. This file is closed.
8. The lower court file to be returned to Chief Magistrate's court at Kisumu with copy of this ruling.
9. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 7TH DAY OF JUNE, 2024.

R. E. ABURILI



JUDGE

