



REPUBLIC OF KENYA



**In re Estate of Joseph Konrad Reith alias Josef Konrad Beith alias Joseph Reith Ritz (Deceased)
(Miscellaneous Succession Cause E043 of 2023) [2024] KEHC 7985 (KLR) (1 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7985 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS SUCCESSION CAUSE E043 OF 2023**

MS SHARIFF, J

JULY 1, 2024

**IN THE MATTER OF THE ESTATE OF JOSEPH KONRAD REITH ALIAS
JOSEF KONRAD BEITH ALIAS JOSEPH REITH RITZ (DECEASED)**

BETWEEN

NELSON CASSEY MANDELA REITH PETITIONER

AND

RUTH O OPOTI 1ST OBJECTOR

KENT JO LIBISO 2ND OBJECTOR

RULING

1. I have considered the Petitioner's/Applicant's notice of motion dated 24th June, 2024 brought under the provisions of Sections 1A, 1B, 3A and 18 of the *Civil Procedure Act* CAP 21 Laws of Kenya and the supporting affidavit of Nelson Cassey Mandela Reith sworn on even date and I do note that whereas this court has the jurisdiction to transfer a suit from one court to another, such jurisdiction can only be exercised where the suit was in the first instance filed in a court that has jurisdiction to hear the matter and not otherwise.
2. The Applicant herein concedes that the value of the estate of the deceased Josef Konrad Reith alias Josef Konrad Beith alias Joseph Reith ritz has been valued at Kshs 51,000,000 yet the Applicant who is represented by advocates opted to file it in the Chief Magistrate's court whose pecuniary jurisdiction is limited to Kshs 20,000,000.
3. Disclosure has been made of a pending preliminary objection raised by the Objectors in Kisumu CM Succ. Cause No E405 of 2023 on the issue of jurisdiction. It is thus obvious that this application is aimed at defeating the Objectors' said preliminary objection and is in essence what is termed as sharp practice and a gross abuse of court process, which conduct this court will not countenance.



4. On the balance this application is devoid of merit and I thus dismiss it summarily with no orders as to costs.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 1ST DAY OF JULY, 2024.

M. S. SHARIFF

JUDGE

