



**In re Estate of Wetaya Soita Nabuyoka alias Wanjeya Wambati alias Ayub Wateya Soita
(Succession Cause E010 of 2024) [2024] KEHC 11623 (KLR) (24 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 11623 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
SUCCESSION CAUSE E010 OF 2024
REA OUGO, J
SEPTEMBER 24, 2024**

**IN THE MATTER OF THE ESTATE OF WETAYA SOITA
NABUYOKA ALIAS WANJEYA WAMBATI ALIAS AYUB WATEYA
SOITADECEASED**

BETWEEN

EDWARD WEKESA WATEYA 1ST PETITIONER

DAVID WEKESA NYONGESA WATEYA 2ND PETITIONER

AND

WILFRED SOITA RESPONDENT

RULING

1. Edward Wekesa Wateya and David Wekesa Nyongesa Wateya are the petitioners/applicants in this succession cause No. E010/2024. The respondent is Wilfred Soita.
2. In application dated 14.6.2024 the applicants seek the following orders:
 - i. Spent
 - ii. The court be pleased to review and set aside the orders issued on 12.6.2024 by the Deputy Registrar closing this file and thereby order for reopening of this succession cause.
 - iii. The court be pleased to order the withdrawal and transfer of Succession Cause No. E162 of 2024 (Estate of Wetaya Soita Nabuyoka alias Wanjeya Wambati laias Ayub Wateya Soita) filed in the Chief Magistrate’s court, Bungoma to be consolidated with this case.
 - iv. The costs of this application be provided for.
3. The application wasn’t opposed. I have considered the application, supporting affidavit and oral submissions by the applicants counsel. The only asset of the deceased’s estate is valued at a sum of



Kshs. 50 million. A valuation report was tendered in Court by the applicants which indicates that the property is worth Kshs.50 million. The said sum is beyond the monetary jurisdiction of the Chief Magistrate's Court which is capped at Kshs.20 million

4. Prayer No. 2 is granted as follows; the Deputy Registrar's order dated 12.6.2024 closing Succession Cause No. E010 of 2024 is hereby set aside and the said Cause is hereby reopened for hearing and determination in the High Court..
5. Prayer No. 3 too is granted as follows, Succession Cause No. E 162 OF 2024 shall be transferred to the High Court and will be consolidated with E010 OF 2024.
6. Costs shall be in the cause.

DATED, SIGNED AND DELIVERED AT BUNGOMA THIS 24TH DAY OF SEPTEMBER, 2024.

R.E. OUGO

JUDGE

In the presence of:

Mr. Saul Wasilwa - For the Applicant

Respondent - Absent

Wilkister C/A

