



**In re Estate of Euphrasia Mary Nabwire Omerri alias Euphrasia Mary Nabwire (Deceased)
(Succession Cause 251 of 2020) [2024] KEHC 12372 (KLR) (Family) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12372 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

FAMILY

SUCCESSION CAUSE 251 OF 2020

HK CHEMITEI, J

OCTOBER 17, 2024

**IN THE MATTER OF THE ESTATE OF EUPHRASIA MARY NABWIRE
OMERRI ALIAS EUPHRASIA MARY NABWIRE (DECEASED)**

BETWEEN

AMOSI JOHN OMERRI APPLICANT

AND

AIRENI OMERRI RESPONDENT

RULING

1. This ruling relates to the application dated 23rd February, 2024 filed by the Applicant, Amosi John Omerri, seeking for orders that:-
 - (a) Spent.
 - (b) Service of this application and all court process taken out in this cause to be effected upon the Respondent Aireni Omerri by an advertisement in the Daily Nation's Small Classified Advertisement.
 - (c) This honourable court be pleased to reinstate this cause and to hear the petition for grant of letters of administration filed on 9th October, 2023.
 - (d) The honourable court be pleased to direct that this petition be advertised in the Kenya Gazette.
 - (e) The honourable court be pleased to direct that the necessary court fees for the filing of the petition and advertisement in the Kenya Gazette be assessed and paid by the petitioner/ Applicant.
 - (f) Costs of this application be in the cause.



2. The application is unopposed and there are no written submissions on record.

Analysis and Determination

3. I have gone through the application and the record herein. The application is not opposed. It however appears to me that the issue is between the Applicant and her sister which they may need to consider taking it up by way of ADR once the process of gazettelement and appointment of an administrator is dealt with.
4. At the same time since the matter and in particular the properties left behind by the deceased are based in Western Kenya, I find it prudent that this matter be transferred to Kakamega High Court for determination.
5. Consequently, the application herein is allowed as hereunder:-
- (a) This cause is reopened and the orders closing it are set aside.
 - (b) This matter is hereby transferred to Kakamega High Court for further orders and directions.
 - (c) Costs in the cause

DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 17TH DAY OF OCTOBER 2024.

H K CHEMITEI

JUDGE

