



**In re Estate of Joseph Opati Machaka Deceased) (Succession Cause
576 of 2015) [2023] KEHC 22568 (KLR) (18 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22568 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE 576 OF 2015
RE ABURILI, J
SEPTEMBER 18, 2023**

BETWEEN

LEAH OMOLE EVERLYNE APPLICANT

AND

MARGARET OSITA IMBUCHI RESPONDENT

RULING

1. The Application dated September 4, 2023 is not certified as urgent.
2. This is a 2015 succession cause. I observe that the deceased hailed or was a resident of Vihiga County and so are the administrators of the estate of the deceased Joseph Opati Machaka, Margaret Osita Imbuchi and Robert Ochunga Amutabi whose address is shown to be Luanda.
3. The applicant/objector is also a resident of Vihiga County. The grant which was issued by this court on March 22, 2016 was confirmed on August 29, 2016.
4. The assets of the estate being West Bunyore/Ebusikhale/2560 and West Bunyore/Ebusikhale/2564 are within Vihiga County and so is the property West Bunyore/Ebutanyi/479 which was allegedly left out giving rise to the application filed on 4th June 2019 for rectification of grant which application has never been heard and determined.
5. Now the applicant Nerea Rabote applies for review of the Ruling of August 29, 2016 confirming the grant to include another property West Bunyore/Ebusikhale/2562 and a distribution thereof.
6. There is no reason why, in the first instance, this Succession Cause was filed in this court as there was a High Court at Kakamega which handled matters falling within the jurisdiction of Vihiga County before the High Court at Vihiga was established.



7. Now that the High Court at Vihiga is fully operational with a Presiding Judge and as all the parties hereto are residents of Vihiga, as well as the assets of the deceased's estate, I hereby find that courts are established closer to the people so that they can access justice at a lesser cost and more conveniently.
8. Accordingly, this Succession Cause is hereby transferred to Vihiga High Court forthwith for hearing and final determination of all the pending applications and matters including the application filed on June 4, 2019 and September 4, 2023.
9. The Registry at Kisumu High Court to open a skeleton file and ensure all the documents contained in this file are photocopied or scanned and stored for any future reference.
10. This file in its original form to be transmitted to Vihiga High Court forthwith for mention before the Judge on October 4, 2023.
11. The Registry to notify the parties hereto.
12. From this end, the file is closed.

I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF SEPTEMBER, 2023

R. E. ABURILI

JUDGE

