



REPUBLIC OF KENYA



KENYA LAW
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**Mangala v Mangala & another (Miscellaneous Civil Application
E143 of 2023) [2023] KEHC 23496 (KLR) (12 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 23496 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E143 OF 2023**

RE ABURILI, J

OCTOBER 12, 2023

**IN THE MATTER OF AN APPLICATION FOR REGISTRATION OF
THE ORIGINAL FILE IN KISUMU HC. SUCC. CAUSE NO. 30 OF 2006**

AND

**IN THE MATTER OF AN APPLICATION FOR INTERPRETATION AND/
OR AMENDMENT OF CERTIFICATE OF CONFIRMATION OF GRANT**

AND

**IN THE MATTER OF AN APPLICATION TO COMPEL THE
EXECUTORS TO COMPLETE ADMINISTRATION OF THE DECEASED
ESTATE AND TO GIVE FULL AND ACCURATE ACCOUNTS**

AND

**IN THE MATTER OF AN APPLICATION FOR
REVOCATION AND/OR ANNULMENT OF GRANT**

BETWEEN

RICHARD OKOTH MANGALA APPLICANT

AND

GRACE RAEI MANGALA 1ST RESPONDENT

UNNER NAMBALA WAFULA 2ND RESPONDENT

RULING

1. The original Succession file is Kisumu HC Succession Cause No. 39 of 2006 which has been availed to this file.



2. From the pleadings and certificate of confirmation of grant which is sought to be rectified, the deceased and the beneficiaries are domiciled in Busia County and all the properties of the estate other than only one property, are situate within Busia County.
3. The Applicant also cites Busia Chief Magistrate Succession Cause No. 262 of 2021 which was allegedly undertaken secretly.
4. In my view, it is in the interest of justice that this file be transferred to Busia High Court for final determination of any issues pending as all parties are in Busia including the Petitioners who are unrepresented.
5. Accordingly, this matter together with Kisumu High Court Succession Cause No. 39 of 2006 shall be transmitted forthwith to Busia High Court for consideration and final determination.
6. The Deputy Registrar, Busia High Court will then notify the Petitioners who are in person and the Objector's counsel to appear before the Hon. Judge for directions on 1st November 2023.
7. The interim orders issued on 13th September 2023 remain in force until 1st November 2023.
8. This file and Succession Cause No. 39 of 2006 are therefore closed from Kisumu High Court. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 12TH DAY OF OCTOBER, 2023

R. E. ABURILI

JUDGE

