



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**FAMILY DIVISION**

**SUCCESSION CAUSE NO. 2655 OF 2008**

**IN THE MATTER OF THE ESTATE OF JAMES KIMANI NJOROGE - DECEASED**

**BENEDETTE RUGURU NJOROGE.....APPLICANT**

**VERSUS**

**VERONICA MUTHONI KIMANI.....1<sup>ST</sup> RESPONDENT**

**ANNE WANJIRU KIMANI.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. The deceased James Kimani Njoroge died on 31<sup>st</sup> January 1997. Since 29<sup>th</sup> April 2004 this succession dispute has been before this court, and, quite unfortunately, it has not been resolved. It does not appear to be in dispute that the deceased hailed from Muranga. Most of his properties, according to the affidavit sworn to support the application for grant, are in Muranga. The deceased's widows Veronica Muthoni Kimani and Ann Wanjiru Kimani (the respondents) decided to file the matter in Nairobi. The applicant Benedette Ruguru Njoroge was the deceased's sister whose claim that the deceased held the property in trust for his siblings. On 31<sup>st</sup> July 2019 she filed this application to have the matter transferred to the High Court at Muranga for hearing and disposal. I note that she has all along participated in the proceedings before this court.
2. Veronica Muthoni Kimani opposed the application. Although she agreed that three of the deceased's properties are located in Muranga, she pointed out that he also had a property in Kipipiri (in Nyandarua) and in Ruiru (in Kiambu). So, it is common ground that the deceased's substantial estate was in Muranga. Veronica indicted that the estate has various beneficiaries some of whom live in Nairobi, and that their advocates are in Nairobi. It would therefore be convenient, she stated, for the matter to be heard in Nairobi.
3. If the matter is transferred to the High Court at Muranga it will be registered as a new matter, and that may further delay its disposal.
4. There has been a High Court at Muranga for quite some time now. It is not clear why the applicant decided in August 2019 to bring the application, when all along the matter was in Nairobi and she was participating. She did not depone that she lives in Muranga.
5. In my estimation, the transfer of this matter to the High Court in Muranga will only delay its hearing and determination. Parties should today take a hearing date for the matter.
6. The consequence is that the application is dismissed. I make no orders as to costs.

**DATED AND DELIVERED ELECTRONICALLY AT NAIROBI THIS 8TH DAY OF NOVEMBER 2021.**

**A.O. MUCHELULE**

**JUDGE**