



**REPUBLIC OF KENYA**

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

**SUCCESSION CAUSE NO. 79 OF 2016**

**CHRISTOPHER MURIUKI MWAI.....PETITIONER/RESPONDENT**

**MARGRET MUCHIRU MWAI.....DECEASED**

**VERSUS**

**PETER LAWRENCE KINYUA MWAI.....APPLICANT/OBJECTOR**

**RULING**

The application before this court is brought by way of Notice of Motion dated the 25<sup>th</sup> January, 2019 and is premised under no specific provision of the law; the applicant seeks for the recusal of this court and relies on the grounds on the face of the application and on his Supporting Affidavit made on the 25/01/2019.

Upon reading the grounds and the Supporting Affidavit and upon hearing the parties herein it is apparent that the applicant has a history of making such applications with a view to vexing the court and is also bent on delaying the expeditious disposal of the cause.

The above notwithstanding this courts considered new is that it would not be in the best interest of justice for a judge to preside over a case where a litigant is not comfortable.

The parties both reside in Nanyuki and the suit property is also situated in Nanyuki and there is a High Court Station, thereat; therefore instead of allowing the application for recusal this court on its own motion (suo moto) shall direct that this cause to be transferred to Nanyuki High Court for hearing and determination.

The cause be and is hereby transferred to Nanyuki High Court.

Orders Accordingly

**Dated Signed and delivered this 4<sup>th</sup> day of April 2019.**

**HON. A. MSHILA**

**JUDGE**