



**In re Estate of Thomas Kiprotich Kibiego (Deceased) (Miscellaneous Application 4 of 2025) [2025] KEHC 14425 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14425 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KITALE  
MISCELLANEOUS APPLICATION 4 OF 2025**

**RK LIMO, J**

**OCTOBER 15, 2025**

**IN THE MATTER OF THE ESTATE OF THOMAS KIPROTICH KIBIEGO-DECEASED**

**BETWEEN**

**CATHERINE JEPKERING KIBIEGO ..... APPLICANT**

**AND**

**SARAH CHEPNG'ETICH OSORO ..... 1<sup>ST</sup> RESPONDENT**

**MARY JEPKERING KIBIEGO ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This court has considered the application dated 20/6/25 and the grounds of objection raised. The reason for transfer of the cause from the lower court is basically that the petition for letters was filed in a court without monetary jurisdiction. This is because the estate is reported and it is not denied, that it is valued at over 20 million which exceeds monetary jurisdiction of the Chief Magistrate's Court.
2. The respondents argue that the application is incompetent and this court lacks jurisdiction to transfer a matter that was incompetently filed before a wrong court.
3. This court finds that under section 49 of *Law of Succession Act* as well as Rule 73 of Probate and Administration Rules this court has inherent jurisdiction to make such orders that meet the ends of justice.
4. The ends of justice in my view will be served if the cause wrongly filed in the lower court is transferred to this court with necessary or requisite jurisdiction to try and determine it.
5. The respondents have not stated what prejudice would be occasioned by transfer. Forcing the petitioner to withdraw the petition from the lower court and file a fresh petition in this court is both punitive and an exercise that the court finds offends Article 159(d) of *the Constitution*.



6. Consequently and for that reason this court invokes its power under section 49 of *Law of Succession Act* Rule 73 of Probate and Administration Rules and Article 159(d) of *the Constitution* by making an order of transfer of Probate and Administration Cause No.95/23 filed in the Chief Magistrate's Court to this court for disposal or determination.
7. The file will be registered in the High Court Registry and will be mentioned on 29/10/25 for further orders and directions.

No order as to costs.

**DELIVERED, DATED AND SIGNED AT KITALE THIS 15<sup>TH</sup> DAY OF OCTOBER, 2025.**

**HON JUSTICE R.K. LIMO**

**KITALE HIGH COURT**

