



In re Estate of Henry Wilfred Ndeke Wamukota (Deceased) (Miscellaneous Succession Application E017 of 2025) [2025] KEHC 15843 (KLR) (31 October 2025) (Ruling)

Neutral citation: [2025] KEHC 15843 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
MISCELLANEOUS SUCCESSION APPLICATION E017 OF 2025**

MS SHARIFF, J

OCTOBER 31, 2025

IN THE MATTER OF

TERESIA WAMUKOTA APPLICANT

RULING

1. Vide a Notice of Motion dated 29.8.2025 and supported by an affidavit sworn on even date by Teresia Wamukota, the applicant herein has moved this court for orders of transfer of this cause to the High Court. The Applicant has deposed that the pecuniary value of the estate of the deceased is above 100 million. Further that whereas she initially filed the petition in Bungoma High Court P&A Cause No. 19 of 2024. She maintains that the lower court lacks the pecuniary jurisdiction to hear and determine cause.
2. Whereas Section 23 of the Magistrates Courts Act 2015 amended Section 48 of the Law of Succession Act and accordingly vested jurisdiction in Magistrates court to handle succession matters, the said jurisdiction is subject to the pecuniary limits as set out in Section 7 (1) of the Magistrates Courts Act. The pecuniary jurisdiction of the Chief Magistrate is Ksh 20 million.
3. Premised on the reasons aforestated, I do hereby exercise the jurisdiction conferred upon this court under Section 18 of the Civil Procedure Act and article 165 (6) and (7) of the Constitution of Kenya 2010 and I hereby transfer Bungoma CMC P&A No. 348 of 2024: Re Estate of Henry Wilfred Ndeke to the High Court Bungoma for hearing and determination.
4. The applicant shall bear her own costs.
5. This file is hereby marked as closed.

DELIVERED, SIGNED, AND DATED AT BUNGOMA THIS 31ST DAY OF OCTOBER, 2025.

MWANAISHA S. SHARIFF

JUDGE.

