



**In re Estate of Fred Kesekwa Keya (Deceased) (Miscellaneous Application E319 of 2025) [2025] KEHC 15957 (KLR) (Family) (7 November 2025) (Ruling)**

Neutral citation: [2025] KEHC 15957 (KLR)

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**  
**FAMILY**  
**MISCELLANEOUS APPLICATION E319 OF 2025**  
**H NAMISI, J**  
**NOVEMBER 7, 2025**  
**IN THE MATTER OF THE ESTATE OF FRED KESEKWA KEYA (DECEASED)**  
**IN THE MATTER OF**  
**JULIET NAVIOLA KESEKWA ..... APPLICANT**

**RULING**

1. The Applicant has filed Notice of Motion dated 10 July 2025 seeking the following orders:
  - i. That Succession Cause No. E326 of 2025 filed at the Magistrates Court at Nairobi be transferred to the Magistrate’s Court at Kakamega for hearing and disposal;
  - ii. That the costs of the Application be in the cause.
2. The Application, which is brought under section 47 of the *Law of Succession Act*, Rule 73 of the Probate and Administration Rules and section 18 (1)(a) of the *Civil Procedure Act*, is premised on the grounds that the case was filed in Nairobi in error since the Deceased lived and died in Kakamega. The properties in the estate are also situated in Kakamega.
3. The Application is supported by an Affidavit sworn by Simeo M. V. Keyonzo, Advocate.
4. The law relating to transfer of suits is contained in Section 18 of the *Civil Procedure Act*. Section 18(1)(b)(ii) which gives the Court discretionary powers as follows:
  - “(1) On the application of any of the parties and after notice to the parties and after hearing such of them as desire to be heard, or of its own motion without such notice, the High Court may at any stage—
    - a. ...



