



**Omwanda v Ochieng & 2 others (Miscellaneous Case 332 of 2024)
[2024] KEHC 13300 (KLR) (30 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13300 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CASE 332 OF 2024
MS SHARIFF, J
OCTOBER 30, 2024**

BETWEEN

JAFETH AJAGO OMWANDA PLAINTIFF

AND

**JOSEPH OLWENY OCHIENG & 2 OTHERS & 2 OTHERS & 2 OTHERS & 2
OTHERS & 2 OTHERS & 2 OTHERS DEFENDANT**

RULING

1. I have considered the notice of motion dated 16.9.2024, the supporting affidavit of Jafeth Anjago Omwanda sworn on even date and the enclosures therein and I do note that the cause of action in the cases No E093/2023 - Maseno SPM Court and Kisumu CMCC E369 of 2022 is pleaded as having occurred at Luanda Akala road which is within Vihiga County. This application has not been opposed by the Respondents who have duly appointed the firm of Staussi Asunah & Oluoch Advocates vide a notice of appointment dated 3.9.2024.
2. In light of the matters aforesaid I do hereby allow the application and I make the following orders:-
 1. Kisumu CMCC E369 of 2022: Joseph Olweny Ochieng & Pamela Awino Olweny Ochieng & Pamela Awino Olweny (suing as the legal & personal representatives of the estate of Fredrick Ngesa Olweny - deceased and Maseno SPMCC E093 of 2023: Bravin Austine Oduor v Jafeth Anjago Omwanda are hereby transferred to Magistrate's court for hearing and determination.
 2. The Applicant shall bear the costs of this application.
 3. This file is marked as closed.

DELIVERED, SIGNED AND DATED AT KISUMU THIS 30TH DAY OF OCTOBER, 2024.

M. S. SHARIFF

JUDGE

