



REPUBLIC OF KENYA



**Njuguna v Lucy Wacu Aphael Limited & 3 others (Miscellaneous Civil Application E199 of 2024) [2024] KEHC 13448 (KLR) (29 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13448 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS CIVIL APPLICATION E199 OF 2024  
DO CHEPKWONY, J  
OCTOBER 29, 2024**

**BETWEEN**

**CATHERINE WANDIA NJUGUNA ..... APPLICANT**

**AND**

**LUCY WACU APHAEL LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**UOKOAJI HOUSING CO-OPERATIVE SOCIETY LIMITED 2<sup>ND</sup> RESPONDENT**

**THE LAND REGISTRAR, KIAMBU ..... 3<sup>RD</sup> RESPONDENT**

**THE HONOURABLE ATTORNEY GENERAL ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. This matter is for mention for parties to confirm compliance of directions issued on 9<sup>th</sup> October, 2024 in respect of the Notice of Motion application dated 27<sup>th</sup> September, 2024. Neither the Applicant nor the Respondents and their respective counsel are in attendance. They have not also sent representation to explain their absence.
2. However, the Applicant vide the Notice of Motion application dated 27<sup>th</sup> September, 2024 has sought for orders that:-
  - a. Spent;
  - b. That this Honourable Court be pleased to withdraw and transfer Kiambu Chief Magistrate's court *Environment and Land Case No.E029 of 2024* to Limuru Senior Principal Magistrate's Court for hearing and determination.
  - c. Costs of this application be borne by the Respondents.
3. The same is premised on the grounds on its face and Supporting Affidavit of Francis Mburu Machua, counsel for Applicant. Having read through the application, this Court notes and appreciates that the



orders sought relate to a matter that relates to a land dispute and filed before the Chief Magistrate's Environment and Land Court.

4. In view of this, by virtue of Section 13(1) and (2) of the *Environment and Land Court Act*, NO.19 of 2011 which gives effect to Article 162(2) of the *Constitution* which established the Environment and Land Court with original, supervisory and appellate jurisdiction to hear and determine disputes relating to the Environment, the use and occupation of and title to land, this Court lacks the requisite jurisdiction to grant the orders sought.
5. Consequently, the Notice of Motion application dated 27<sup>th</sup> September, 2024 be and is hereby struck out. .

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 29<sup>TH</sup> DAY OF OCTOBER, 2024.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:-

No appearance for and by either party

Court Assistant - Martin

