



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**CIVIL SUIT NO. 1 OF 2021**

**ZENA MAKOKHA MOHAMMED.....1<sup>ST</sup> PLAINTIFF**

**MARTHA ATIENO ONYANGO.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**JOYCE PACILISHA SHIMANYULA.....1<sup>ST</sup> DEFENDANT**

**THOMAS SHIMANYULA LEVI.....2<sup>ND</sup> DEFENDANT**

**FAMILY BANK LIMITED.....3<sup>RD</sup> DEFENDANT**

**PAWABA AUCTIONEERS.....4<sup>TH</sup> DEFENDANT**

**RULING**

1. As I was settling to write a ruling herein, I realised that there were proceedings that were taken on 29<sup>th</sup> July 2021, before Hon. Lady Justice F. Amin, on the jurisdiction of the Environment and Land Court to transfer a matter pending before it to the High Court.
2. I was initially of the impression that the Judge had only given directions, for filing of written submissions, and that I could proceed and determine it on the basis of the written submissions. But as oral arguments were taken on 29<sup>th</sup> July 2021, the matter is, no doubt, part-heard by Hon. Lady Justice F. Amin, and it would only be right to refrain from preparing a ruling on the issue that was before the Judge.
3. Consequently, the matter shall be placed before Hon. Lady Justice F. Amin, for further directions. It is so ordered.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT KAKAMEGA THIS 20<sup>TH</sup> DAY OF DECEMBER 2021**

**W. MUSYOKA**

**JUDGE**

**IN THE PRESENCE OF:-**

**ERICK ZALO – COURT ASSISTANT**

**N/A FOR THE PARTIES**