

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL DIVISION

HIGH COURT CIVIL MISC APPL. NO. 188 OF 2020

ORTHODOX ARCHBISHOPRIC OF KENYA & IRINOUPOLIS.....APPLICANT

VERSUS

ENERGY REGULATORY COMMISSION.....RESPONDENT

RULING

1. The application dated 11th June, 2020 seeks the following orders:

1. Spent

2. That the suit filed by the Respondent against the Applicant being Nairobi CMCC 4768 of 2017 Energy Regulatory Commission v Orthodox Archbishopric of Kenya and Irinoupolis in the Chief Magistrates Court be transferred therefrom to this court for trial and determination.

3. That the Amended Defence and Counterclaim be deemed as duly filed and served.

4. That the costs of this suit be provided for.

2. The application is based on the grounds that following a successful application for leave to amend the Plaintiff, the suit has now exceeded the pecuniary jurisdiction of the Chief Magistrate's Court.

3. The application is unopposed. The Respondent did not file any response although duly served as per the affidavit of service herein sworn on 3rd July, 2020.

4. I have considered the application. The affidavit in support and the Amended Defence and counterclaim exhibited herein reflect that the counterclaim is in excess of Ksh.38,571,119.72. The claim is beyond the pecuniary jurisdiction of the Chief Magistrate's Court. Consequently, the application is allowed as prayed with costs in cause.

Dated, signed and delivered in Nairobi this 24th day of Sept., 2020

B. THURANIRA JADEN

JUDGE