



**Sironik v United Credit Limited & 9 others (Environment & Land Case E40 of 2020) [2023] KEELC 22607 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 22607 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT & LAND CASE E40 OF 2020  
LC KOMINGOI, J  
SEPTEMBER 21, 2023**

**BETWEEN**

**ALICE NGINI SIRONIK ..... PLAINTIFF**

**AND**

**UNITED CREDIT LIMITED ..... 1<sup>ST</sup> DEFENDANT**

**USHA CHANDRAVADAN DIPCHAND SHAH (SUED AS THE ADMINISTRATIX OF THE ESTATE OF CHANDRA DIPCHAND SHAH - DECEASED) ..... 2<sup>ND</sup> DEFENDANT**

**BID INVESTMENT CO. LIMITED ..... 3<sup>RD</sup> DEFENDANT**

**KUNAL KAMLESH SOMCHAND ..... 4<sup>TH</sup> DEFENDANT**

**RAHUL KILASH BID ..... 5<sup>TH</sup> DEFENDANT**

**EDGAR KIPNGENO KIRUI ..... 6<sup>TH</sup> DEFENDANT**

**FARIDA CHEPTOO MITEI ..... 7<sup>TH</sup> DEFENDANT**

**GEORGE NJOROGE MUIRURI (T/A LEAKEYS AUCTIONEERS) .... 8<sup>TH</sup> DEFENDANT**

**CHAIRMAN-LAND CONTROL BOARD, KAJIADO ..... 9<sup>TH</sup> DEFENDANT**

**DISTRICT LAND REGISTRAR, NGONG ..... 10<sup>TH</sup> DEFENDANT**

**RULING**

1. This is the preliminary objection raised by the 6<sup>th</sup> and 7<sup>th</sup> defendants, on the grounds that the subject matter is valued at about Kshs 6.5 million.

That therefore this matter falls within the jurisdiction of the Chief Magistrate’s Court Ngong.



2. The preliminary objection is opposed by Mr. Owang, for the plaintiff on the ground that the subject property is located in a prime area and is valued at approximately Kshs 35 million currently.

3. I have considered the preliminary objection, the grounds and the rival submissions.

4. From the records adduced by the plaintiff the subject property was charged to United Credit Limited for the sum of Kshs 4,000,000/=

Thereafter the plaintiff defaulted to settle the loan amount and the same was put up for Public Auction on the August 27, 2020 after an advertisement in the Daily Nation Newspaper dated March 4, 2019, the 6<sup>th</sup> and 7<sup>th</sup> defendants successfully bid for and purchased the subject property at Kshs 4,900,000/=.

5. The above facts have not been disputed. The plaintiff has not availed a current valuation to show that the subject property is worth Kshs 35 million.

6. I find merit in the preliminary objection and the same is upheld.

I hereby transfer this suit to Chief Magistrate's Court Ngong for hearing and disposal.

I make no orders as to costs.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 21<sup>ST</sup> DAY OF SEPTEMBER 2023.**

**L. KOMINGOI**

**JUDGE.**

