



**Nchue & another v Sondai (Environment & Land Miscellaneous Case E015 of 2023) [2023] KEELC 20892 (KLR) (19 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20892 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT & LAND MISCELLANEOUS CASE E015 OF 2023  
LC KOMINGOI, J  
OCTOBER 19, 2023**

**BETWEEN**

**NAATANA ENE NCHUE ..... 1<sup>ST</sup> APPLICANT**

**SULAI ENE NCHUE ..... 2<sup>ND</sup> APPLICANT**

**AND**

**IBRAHIM LEI SONDAI ..... RESPONDENT**

**RULING**

1. This is the Notice of Motion dated 13<sup>th</sup> June 2023 brought under;  
(Under article 48,50,159,162,165 of *the Constitution* of Kenya, section 12 of the *Environment and Land Court Act*, section 1A, 3A of the *Civil Procedure Act*, and all other provisions of the Law)
2. It seeks Orders;
  1. That this Honourable Court be pleased to transfer the ELC Case No.E127/2022 to the High Court at Kajiado for hearing and determination of the matter.
  2. Cost of this Application be in the cause.
3. The grounds are on the face of the Application and are set out in paragraphs 1 to 4.
4. The Application is supported by the Affidavit of Naatana Ene Nchue the Applicant herein, sworn on the 13<sup>th</sup> June 2023.
5. The Application is opposed. There are grounds of opposition filed by the Respondent dated 2<sup>nd</sup> October 2023.



6. I have considered the Notice of Motion and the affidavit in support. I have also considered the grounds of opposition. The issue of determination is whether the application is merited.
7. I have gone through the affidavit by the applicant. There is no Valuation Report or any other evidence attached to show that the subject property is beyond the jurisdiction of the Magistrate's Court.
8. I find no merit in this application and the same is dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 19TH DAY OF OCTOBER 2023.**

**L. KOMINGOI**

**JUDGE.**

**IN THE PRESENCE OF:**

**Mr. Koin for the Applicant.**

**N/A for the Respondent.**

**Court Assistant – Mutisya.**

