



REPUBLIC OF KENYA



**KENYA LAW**  
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**Agricultural Finance Corporation v Oruma (Environment and Land  
Appeal E004 of 2022) [2025] KEELC 3501 (KLR) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3501 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND APPEAL E004 OF 2022**

**MD MWANGI, J**

**APRIL 30, 2025**

**BETWEEN**

**AGRICULTURAL FINANCE CORPORATION ..... APPELLANT**

**AND**

**SAMUEL KIPAMPI ORUMA ..... RESPONDENT**

**RULING**

1. This matter is pending judgment on the appeal against the judgment of the subordinate court delivered in Kajiado MCELC E018/2021 on 14<sup>th</sup> December 2021. In the course of writing the judgment and upon analysis of the proceedings before the subordinate court, the question whether this court has the jurisdiction to entertain the appeal presents itself prominently.
2. The same question may be asked of the Environment and Land division of the Chief Magistrate's court. Was this a land and environment case?
3. The dominant issue as correctly identified by the trial court was whether the Respondent who was the Plaintiff in the case was entitled to benefit from the presidential directive on waiver of loans owed to the Appellant Corporation.
4. Having carefully read through the submissions by the parties, none of them has addressed the issue of the jurisdiction of this court.
5. I cannot over-emphasize the centrality of the issue of jurisdiction in any proceedings. The case of *Said Bin Seif –vs- Shariff Mohammed Shatry* (1940) 19 (1) KLR, epigrammatically captures the issue of jurisdiction. Lucie –Smith J in the said case stated that,

“If a court has no jurisdiction over the subject matter of the litigation, its judgment and orders however precisely certain and technically correct are mere nullities, and not only voidable; they are void and have no effect either as estoppel or otherwise, and may not only be set



aside at any time by the court in which they are rendered, but shall be declared void by every court in which they may be presented. It is well established in law that jurisdiction cannot be conferred on a court by consent of parties and any waiver on their part cannot make up for lack or defect of jurisdiction. That being so, the point of jurisdiction may be properly taken in an appellate court and decided there even if it was not raised at the original trial.”

6. Having carefully considered the magnitude of the issue, I find it prudent to pause my writing of the judgment and allow the parties an opportunity to address me on the issue of jurisdiction and its effect on this appeal and the original suit, before making any final determination.
7. Accordingly, the judgement of this court is temporarily arrested pending the filing of further submissions by the parties on the issue of jurisdiction. I will allow each of the parties fourteen (14) days to file and serve their written submissions on the issue of jurisdiction only beginning with the Appellant who shall file and serve its further submissions in 14 days from the date of this ruling. The Respondent shall have 14 days too after service of the Appellant’s submissions to file and serve his further submissions.

It is so ordered.

**DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**M.D. MWANGI**

**JUDGE**

In the virtual presence of:

Mr. Kipkirui h/b for Ms. Kisiriet for the Respondent

N/A by the Appellant

Court Assistant: Mpoye

