

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 99 OF 2018

VISION INSTITUTE OF PROFESSIONALS LTD.....PLAINTIFF

VERSUS

ALLGATE LIMITED AND ANOTHER.....DEFFENDANTS

RULING

By an application dated 30th July, 2018 the defendants /applicants seek leave of the court to enter judgment on admission by the plaintiff in the sum of Kshs. 14,206,382.67 plus costs. The reasons for seeking that order are set out on the face of the application alongside the supporting affidavit sworn by one George Wachira the Senior Legal Officer of the 1st defendant. The application is opposed and replying affidavits have been filed on behalf of the defendants. Both counsel have filed submissions to address the application.

It is clear from the reading of the pleadings and all the material placed before the court that the dispute herein relates to rental proceeds said to be owed by the plaintiff to the defendants. In the process of preparing this ruling, it transpired that this court may not have jurisdiction to entertain, not only this suit but also the application herein. I have referred to Articles 162 (2), 165 (5) of the Constitution and Section 13 of the Environment and Land Court Act No. 19 of 2011.

Having done so, it is clear this court is divested of any jurisdiction to handle this dispute. I am therefore unable to render any decision related thereto and order that this file be transferred to Environment and Land Court Davison for hearing and disposal. Counsel on record did not raise this issue and therefore none of the parties shall take advantage of the situation. That being the case, *status quo* shall be maintained until such time the directions are given by the Presiding Judge of the Environment and Land Court Division.

Dated, signed and delivered at Nairobi this 19th day of December, 2018.

A. MBOGHOLI MSAGHA

JUDGE