



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYAMIRA

MISC. CIVIL CASE NO 15 OF 2016

GLADYS KEMUNTO AUNGA.....PLAINTIFF

V E R S U S

CHARLES OTARO MOSETI

COUNTY GOVERNMENT OF NYAMIRA.....DEFENDANTS

R U L I N G

This is an application to transfer this case, **KEROKA PMCC NO. 223 of 2015** from Keroka to another court of coordinate jurisdiction for hearing and determination.

The Applicant's Grounds of Appeal are as herein stated:

- a) THAT I have been carrying out business within Keroka Town for a very long period of time.
- b) During the period I was carrying on the business, I was allocated business spaces by the then Keroka Town Council.
- c) When the County Government was established, I still continued to maintain the said business spaces.
- d) The said business spaces have been allocated to other person(s) and therefore I have nowhere to do business yet that was my only source of livelihood.
- e) My properties that were in the said business spaces were confiscated i.e. Kiosk with clothes by the officers of the County Government of Nyamira influenced by the then Town Administrator without justifiable or lawful cause.
- f) Unless the orders sought herein are granted, I am likely to suffer prejudice because Keroka court has been compromised hence became partial.
- g) In the circumstances, it is in the interest of justice that the orders sought herein be granted.

In her supporting Affidavit sworn on 23rd, November, 2016, she avers, inter alia:

That her case was first heard in Keroka Law Courts.

And that the Principal Magistrate hearing her case, disqualified himself from handling the case at her

application.

That the other Magistrate had handled another Criminal case involving the applicant, in a case in Keroka 1406/2015.

That therefore, she seeks her case to be transferred to Kisii Law Courts for hearing and determination, as she claims she is unlikely to get justice in Keroka Law Courts.

Therefore, in the interest of justice, this case, **Keroka PMCC No. 223 of 2015**, be and is hereby transferred to Kisii for hearing and determination.

The case be mentioned on 25th April, 2017 in the Chief Magistrate's Court Kisii to take a date for hearing.

Dated at Nyamira this 24th day of March, 2017.

C.B. NAGILLAH

JUDGE

In the presence of:-

Ombachi hold brief for Nyagwencha: for the Applicant

Konga: for the Respondent

Mercy: Court Clerk