



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA MISCELLANEOUS APPLICATION CAUSE NO. 1 OF 2017

OBADIAH MURUJA MUGENDI.....APPLICANT

VERSUS

CHARLES KABITI JAPHET.....1ST RESPONDENT

MERU SOUTH/MAARA LANDS ADJUDICATION OFFICER.....2ND RESPONDENT

THE HONOURBLE ATTORNEY GENERAL.....3RD RESPONDENT

RULING

1. This application is dated 9th February, 2017 and seeks orders that:

1. That this Honourable court be pleased to transfer Chuka Civil Case No. 109 of 2014 and all proceedings thereof to this Honourable court for trial and disposal.
2. That this Honourable court be pleased to issue directions on whether the matter to start de novo or proceed from where the matter had reached.
3. That costs of this application be provided for.

2. The application is supported by the affidavit of Obadiah Muruja Mugendi sworn on 9th February, 2017 and has the following grounds:

1. That the matter in question herein is a land dispute within the definition set out in Article 162 of the constitution of Kenya 2010.
2. That as such, this suit should be transferred to this Honourable Court for hearing and disposal.

3. It is pellucid that the Malindi Court's decision that had stayed hearing of Environment and Land matters by the Magistrates' Courts was stayed by the Court of Appeal. I, therefore, find this application unmeritorious.

4. This application is dismissed.

5. As was directed by this court on 22nd February, 2017, pending further communication, the registry should not entertain applications for transfer of suits from the lower courts to this court and vice versa.

6. It is so ordered.

Delivered in open court at Chuka this 22nd day of March, 2017 in the presence of:

CA: Ndegwa

Miss Kaaria h/b Kijaru for the applicant

P. M. NJOROGE,

JUDGE.