



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 38 OF 2015

SILVANA KARIMI CHABARI1ST PLAINTIFF

DOMINICA MUTHONI M'IBARI2ND PLAINTIFF

MAGDALENE MWARI MWAJA3RD PLAINTIFF

MWAROMO MUGIRA M'MUGAMBI.....4TH PLAINTIFF

VERSUS

JOHN MUTHURI (Administrator of the estate of

M'ANANUA M'ITERE).....DEFENDANT

RULING

This application is dated 4th March, 2016 and seeks orders:-

1. ***THAT this matter be certified urgent and be heard on priority basis.***
2. ***THAT this Court be pleased to withdraw this suit and re-transfer the same for trial and disposal before the Meru Chief Magistrate's Court.***
3. ***THAT cost of this application do abide the outcome of the main suit.***

The application is supported by the Affidavit of SILVANA KARIMI CHABARI, the applicant, and has the following grounds:-

- a. ***THAT this matter was initially filed before this Court being No. 22 of 2012 and transferred to Nkubu Law Courts for hearing and determination.***
- b. ***THAT it became apparent that the subject matter herein has an open market value of between Kshs. 8 million and 14 Million a fact which was not within the parties' knowledge at the time the initial suit was transferred.***
- c. ***THAT the Subordinate Court lacked jurisdiction to deal with this matter.***
- d. ***THAT consequently the file was re-transferred to this Court.***
- e. ***THAT now the Chief Magistrate Meru has jurisdiction to entertain the same.***

f. ***THAT the interest of justice dictate a re-transfer.***

The application was brought to Court by way of a Certificate of Urgency. In view of the recent changes in the law relating to jurisdiction of Magistrate's Courts, I was inclined to allow the application. However, upon perusal of the Plaint in respect of ELC NO. 22 OF 2012, I am persuaded that the parties should be heard interpartes.

I direct that the application be heard interpartes.

Delivered in Open Court at Meru this **14th Day of March, 2016** in the presence of:-

CC: Daniel/Lilian

Mwanzia for Plaintiffs

Baikiara for the Defendant

P. M. NJOROGE

JUDGE