

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL CASE NO. 362 OF 2000

PETER NGANGA KAMANDE.....PLAINTIFF/APPLICANT

VERSUS

MARY WAITHERADEFENDANT/RESPONDENT

RULING

This matter was heard and determined by this court. What remains is execution process. However, as there appear to have been delay in execution of decree, the applicant seeks to enforce orders which are likely to be challenged giving rise to a hearing that will compel this court to hear both parties. In the premises and as execution of the decree herein involves eviction of the respondent from the suit land, the matter squarely falls within the jurisdiction of the Environment and Land Court. Section 30 of Environment and Land Court Act is clear on this court's jurisdiction in the transitional period and extend 'until the establishment of the Environment and Land Court'

The Environment and Land Court is now fully established and operational. In the premises, this court's jurisdiction is effectively ousted as contemplated by Article 165(5) (b) of the Constitution and Article 162(2) of the Constitution.

I therefore direct the mater herein to be placed before the Environment and Land Court for further directions on its disposal. Mention on 28th April 2016 before the Presiding Judge of Environment and Land Court.

Orders accordingly.

R.E. ABURILI

JUDGE

20.4.2016