

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT GARISSA
CIVIL CASE 16 OF 2012

1. IVUTI MBUNA KALATA.....1ST PLAINTIFF

2. MWASYA MUTHENGI.....2ND PLAINTIFF

VERSUS

PATRICK MUTUA NZOKA.....DEFENDANT

RULING

In this matter, plaint was filed and served. A defence and counterclaim was also filed and served. Pretrial questionnaire was also filed.

The matter filed in 2012 at the Garissa High Court however relates to land. There is no Environment and Land Court Judge at Garissa.

On 9th March 2015, Mr. Nzili for the plaintiffs came for a mention and informed the court that counsel for the defendants Ms. E. K. Mutua of Nairobi had been served with notice to attend court for mention though they were absent. Counsel stated that the reason for mention was for the court to give direction for the transfer of the case to Machakos where there was currently an Environment and Land Judge sitting, who could possibly also hear the case in Kitui. Counsel asked the court to transfer the file to Machakos, where appropriate directions could be given by the court for hearing before the Environment and Land Court.

Indeed, this is a land matter. The land is registered under the Registered Land Act (Cap.300). There is no Environment and Land Judge at Garissa yet. As such and with a view to expeditious disposal of the case, I order that the file be transferred to the Environment and Land Court at Machakos for further adjudication and disposal. The Deputy Registrar of this court will thus transmit the file to Machakos for further progress.

Dated and delivered at Garissa this 27th day of April, 2015

GEORGE DULU

JUDGE