



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT MERU**

**ENVIRONMENT AND LAND CASE NO. 6 OF 2013**

**ELIZABETH MURUGI M'NJIIMA.....1ST PLAINTIFF**

**HUMPHREY MUREA NJAGE.....2ND PLAINTIFF**

**VERSUS**

**REGINALD L. MICHENI SOSPETER.....DEFENDANT**

**R U L I N G**

By a letter dated 19th September, 2004 addressed to the Deputy Registrar, Mr. Kevin Nyenyire, Advocate, requested that this matter be mentioned before a judge for purposes of transferring the suit to Chuka Law Courts on the ground that suit lands Nos. MUTHAMBI/IGAMWATHI/1201 AND 1203 are in Chuka and that their estimated value is less than Kshs.3,000,000/= and thus within the pecuniary jurisdiction of the Chuka Law Courts.

This matter came for directions on 20.5.2015 when Mr. Riungu, Advocate, holding brief for Mr. Murithi, the defendant's advocate, opposed the transfer of the suit to Chuka Law Courts. He, inter alia, argued that the plaintiffs had not presented a valuation report to conclusively support their claim that the suit lands had an estimated value of less than Kshs.3,000,000/=.

The Land Registration Act at Section 101 states as follows:

**“The Environment and Land Court, 2011 No.19 of 2011 has jurisdiction to hear and determine disputes, actions and proceedings concerning land under this Act.”**

A purposeful interpretation of this provision of the law suggest that Lower Courts are not excluded from hearing suits which fall under their geographical and pecuniary jurisdictions. This interpretation would allow the Court to transfer a suit to the Lower Courts in accordance with Section 18 of the Civil Procedure Act.

Section 18 of the Civil Procedure Act envisages the filing of an application. This enables parties to be heard properly. It is my view that the applicants should file an application which they should properly serve upon the defendants.

In the circumstances, I decline to transfer this suit to Chuka Law Courts for hearing and determination. I award no costs regarding this Ruling.

It is so ordered.

**Delivered in Open Court at Meru this 30th day of June, 2015 in the presence of:**

Cc. Lilian/Daniel

Mwanzia h/b Nyenyire for Defendant

Miss Gitonga h/b Gitonga for Plaintiff

**P. M. NJOROGE**

**JUDGE**