



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**MISCELLANEOUS CIVIL APPLICATION NO. 43 OF 2015**

**M'MWITHIA M'IGWETA.....APPLICANT**

**VERSUS**

**SILAS M.MWITHIA.....RESPONDENT**

**RULING**

This application is date 25/06/2015 and seeks Orders:-

1. ***THAT this Honourable Court be pleased to certify this application as urgent and the same be heard exparte on the first instance.***
2. ***THAT this Honourable Court be pleased to issue orders for the transfer (sic) Maua Chief Magistrate's Court Civil Suit No.174 of 2014 from Maua Law Courts to Tigania Law Courts for hearing and determination.***
3. ***THAT the costs of this application be in the cause.***

It is supported by the affidavit of the applicant and has the following grounds:-

- a. ***THAT the suit was instituted vide a plaint filed on the 25<sup>th</sup> day of August, 2014.***
- b. ***THAT the Notice of Preliminary Objection was later filed on the 2<sup>nd</sup> September, 2014.***
- c. ***THAT the suit can be heard and determined at Tigania Law Courts which is about 4 Kilometres from the suit land.***
- d. ***THAT no prejudice will be occasioned to either of the parties herein if this application is allowed.***
- e. ***THAT the applicant is over 93 years old and has no resources to attend the hearing at Maua Law Courts with his witnesses which is about 40 Kilometres from his home.***
- f. ***THAT it is only just and fair that this application be allowed.***

On 06/07/2015, the Respondent was allowed 14 days to file a Replying Affidavit. He has not done so. Mr. Muthomi for the applicant has urged this Court to allow the application since it is not opposed.

**I allow the application.**

**Costs shall be in the cause.**

**It is so ordered.**

Delivered in Open Court at Meru this 21<sup>st</sup> day of July, 2015 in the presence of:-

Cc.: Daniel

Muthomi for the Applicant.

**P.M. NJORGE**

**JUDGE**