

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL CASE NO. 8 OF 2013

**JERIOS WANJIKU MAINA (suing as an administrator on behalf of
the estate of EDITH WAMUYU MAINA).....PLAINTIFF**

VERSUS

MWAURA REUBEN.....DEFENDANT

COURT RULING

The applicant's application dated 28th August 2015 seeks for transfer of this suit from this court to the chief Magistrates Court at Milimani for hearing and final determination.

The application is brought under the provisions of the Constitutional provisions of Article 165(5) and 162(2) of the Constitution. Nonetheless, Section 18(1) (a) of the Civil Procedure Act does confer on this court the power to transfer any suit pending before it for trial and disposal to any court subordinate to it and competent to try and dispose of it . It was therefore not necessary to load this application with such serious constitutional provisions which I find quite irrelevant and inapplicable in an application of this nature.

The claim herein is for general and special damages following a fatal road accident. The Chief Magistrates court has jurisdiction to hear and determine such suit where the damages anticipated do not exceed its pecuniary jurisdiction. The application is not opposed.

In the premises, I find the application merited. Accordingly, I order that this suit be transferred to the Chief Magistrate's Court at Nairobi Milimani Commercial Courts for hearing and final disposal. I make no orders as to costs.

Orders accordingly.

R.E. ABURILI

JUDGE

28/10/2015