



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 35 OF 2014

JAMES MWENDA M'KIUNGA..... 1ST PLAINTIFF

STEPHEN MAINGI 'KIUNTA.....2ND PLAINTIFF

VERSUS

MWITI MORRIS MUTUMA & ANOTHER.....1ST DEFENDANT

JOHN KIARA M'KIUNGA.....2ND DEFENDANT

R U L I N G

This application is dated 8th September, 2014 and seeks orders:

1. ***THAT this Honourable court be pleased to transfer this suit to the Chief Magistrate's Court at Meru and consolidate it with MERU CMCC NO. 45 OF 2014 (Mwiti Morris Mutuma – v – James Mwenda M'Ikiunga & Stephen Maingi M'Kiunga)***

2. ***THAT costs of the application be in the cause.***

It is supported by the following grounds:

1. ***THAT the 1s Defendant had already instituted a civil suit in the Chief Magistrate's Court at Meru vide CMCC 45 of 2014 against the 1st and 2nd Plaintiff's herein.***

2. ***THAT for easier determination of this suit and the issues in dispute it ought to be transferred to the chief Magistrate's Court at Meru.***

3. ***THAT the Chief Magistrate's Court at Meru has the requisite pecuniary jurisdiction to handle this matter. The suit lands are also within the jurisdiction of the Honourable Court.***

4. ***THAT in the best interest of justice this Honourable Court do transfer this suit to the Chief Magistrate's Court at Meru.***

5. ***THAT the Plaintiffs/Respondents stand to suffer no harm if the suit is transferred to the Chief Magistrate's Court at Meru.***

On 25.11.2014, the parties by consent, urged this court to allow the application. In the circumstances, this suit is transferred to the Chief Magistrate's Court at Meru for hearing and determination and to be consolidated with Meru CMCC No. 45 of 2014 (Mwiti Morris Mutuma Versus James Mwenda M'Ikiunga & Stephen Maingi M'Ikiunga). Costs shall be in the cause.

It is so ordered.

Delivered in Open Court at Meru this 25th day of November, 2014 in the presence of:

Cc Daniel

D. J. Mbaya for Plaintiffs

Kaumbi h/b Kaburu for defenants

P .M NJOROGE

JUDGE