



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

**AT NAIROBI**

**MILIMANI LAW COURTS**

**Civil Case 1290 of 2002**

**PETER NDIKU NZUKI.....PLAINTIFF**

**VERSUS**

**SAMUEL MWANGI WACHIRA.....DEFENDANT**

**RULING**

This is an application by the plaintiff to transfer the suit to the Chief Magistrate's Court at Nairobi Milimani Commercial Court for trial and disposal.

The application is expressed to be brought under Section 18 of the Civil Procedure Act. It is made on the grounds that this case is now within the enhanced jurisdiction of the Chief Magistrate's Court and would be transferred to the Chief Magistrate's Court at Nairobi Commercial Court for quick disposal.

The application is also supported by an affidavit sworn by Maurice Okoth in which he avers on similar facts as those contained in the grounds.

Mr. Wachira counsel for the applicant submitted that the suit involves compensation for injuries sustained through a road traffic accident and the likely award would be within the enhanced jurisdiction of the Chief Magistrate's Court and that the transfer shall not occasion any prejudice to the defendant and will facilitate the quick disposal of the suit.

The defendant was served with this application but did not file any papers in opposition to the application.

Having considered the application in light of the grounds and the affidavit in support as well as the submission by Counsel I am satisfied that the order sought ought to be granted.

Accordingly the Plaintiff's Chamber Summons dated 12<sup>th</sup> September 2007 is allowed as prayed.

Dated at Nairobi this 29th day of February 2008.

**J. L. A. OSIEMO**

**JUDGE**