



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**CIVIL CASE 177 OF 2002**

**SARAH KANYI MUGO ..... PLAINTIFF**

**VERSUS**

**SAMUEL NJOMO MURIITHI ..... DEFENDANT**

**R U L I N G**

By an application dated 19th April 2005, Samuel Njomo Muriithi, the Defendant Applicant sought to have his suit filed in the Nyeri High Court Registry transferred to the High Court at Nairobi for hearing and determination. It is contended that the matter would be determined expeditiously and at an affordable costs as both Plaintiff and Defendant reside in Nairobi and that witnesses will also be coming from Nairobi.

The Respondent through Ameka & Co. advocate objects to the application maintaining that it is misconceived and has no legal basis and that the court has no jurisdiction to entertain an application for transfer to itself.

Mr. Mbugua who argued this application for the applicant relied on **Jazira Agencies Nairobi Ltd. v/s Dolphin Stationers Ltd. HC (MSA) Civil Suit No. 477 of 1998** wherein Waki J stated:

<p 40px;"=""> *“Where there is no provision of law however as there is not in relation to matters of transfer from one High Court to another, I am in no doubt that in a deserving case the court would invoke its inherent powers which are unlimited and there is a saving reminder in section 3A of the Civil Procedure Act.”*

I concur with the above statement which clearly addresses the issue at hand. It is evident that it would be convenient, less expensive and expeditious to have this trial conducted at the High Court in Nairobi. I do therefore grant the application and . order that this file be transferred by the Deputy Registrar, High Court Nyeri to the Deputy Registrar High Court Nairobi and thereafter placed before a Judge for necessary action.

**Dated and delivered this 3rd June 2005**

**H. M. OKWENGU**

**JUDGE**