

IN THE HIGH COURT OF KENYA

AT MOMBASA

Misc Suit 189 of 2005

MONYAZI GEORGE CHIRANZI..... PLAINTIFF

VERSUS

JOHN LELIAI & OTHERS..... DEFENDANTS

RULING

The court is being asked to order the transfer of the case from Mombasa to Kilifi Court. The matter is now filed in the Senior Resident Magistrate Court in Mombasa. It is a rundown case. I have considered the submissions of counsel and the judgment of court in the case of Omwoyo vs- African Highlands and Produce Co. Ltd. [2002] I KLR at 698. I am satisfied that the suit is properly filed in Mombasa SRM Court and I find no reason for it to be transferred to Kilifi Court. The damages are at large and the suit could even be filed in High Court at Mombasa.

The application is dismissed with costs.

Delivered and dated at Mombasa this 13th day of October 2005.

J. KHAMINWA

JUDGE

In the presence of Ms. Osino.