

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPEAL NO. 337 OF 2000

THIKA CLOTH MILLS LIMITED APPELLANT

VERSUS

JAMES OMONDE

DANIEL NJONJO

DOMINIC NGAMAU

STEPHEN NDEGWA

PETER NG'ANG'A

SAMSON KARANJA

PETER KAMAU RESPONDENTS

**(An Appeal from the judgment and Decree of the
Chief Magistrate's Court, Thika (Mrs Mugo C.M.)
dated 27th June, 2000 in Civil Suit Number 947 of
1995)**

JUDGMENT

In this appeal against the judgment and decree of the Chief Magistrate's Court, Thika, the Appellant has argued ten grounds of appeal he listed in the Amended Memorandum of Appeal. They include one on the lack of pecuniary jurisdiction. Although much has been said therefore, I do not deem it necessary to go into them all as where there is no jurisdiction, every action therefrom is null and void and there is nothing to add to or subtract from.

There is no dispute that the learned Chief Magistrate's pecuniary jurisdiction by then was Ksh 500,000/=. She made an award amounting to Kshs 525,000/=. Obviously that was beyond her pecuniary jurisdiction even where several plaintiffs had been joined each with a separate claim. The Plaintiff's/Respondent's case was being handled by an advocate who ought to have been alive to the issue of pecuniary jurisdiction and the learned trial Magistrate, even without care by the learned counsel for the Respondents, should have taken care of herself.

Since that was not done, the magistrate's court acted beyond the requisite pecuniary jurisdiction and therefore those proceedings were a nullity and should and are hereby quashed. This appeal is allowed. There be a retrial of the suit in the Chief Magistrate's Court, Thika, bearing in mind the pecuniary jurisdiction of that court. Respondents to pay costs of this appeal jointly or severally.

Costs of proceedings in the Chief Magistrate's court to await and abide the outcome of the re-trial.

Dated this 13th day of June 2003.

J.M. KHAMONI

JUDGE

