



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**JR. NO. 5 OF 2021**

**WANGUI BEATRICE KARIUKI.....APPLICANT**

**=VERSUS=**

**RENT RESTRICTION TRIBUNAL NAIROBI.....1ST RESPONDENT**

**KENNETH NDUNGU KABUE.....2ND RESPONDENT**

***EX-PARTE***

**IN CHAMBERS**

**RULING**

1. I have considered the *ex-parte* chamber summons dated 4/2/2021. The *ex-parte* applicant seeks leave to bring a judicial review motion to quash the orders made by the **Rent Restriction Tribunal in Nairobi Rent Restriction Tribunal Case Number 1774 of 2020**. The application is premised on two principal grounds: (i) the dispute relates to a motor vehicle which has since been transferred to a third party hence the Tribunal does not have jurisdiction to adjudicate the dispute; and (ii) the agreed and/or prevailing rent between the protagonists is KShs 14,000 per month and the Tribunal therefore has no jurisdiction to entertain the dispute.

2. The court has considered the gist of the *ex-parte* applicant's grievance. The court has also considered the evidential materials placed before it. The court is satisfied that there is an arguable case requiring further consideration. Similarly, the court is satisfied that the Tribunal may be usurping jurisdiction which is vested in civil courts and therefore there is need to stay its orders.

3. Consequently, the court makes the following disposal orders:

***1) The ex-parte chamber summons dated 4/2/2021 is allowed in terms of prayers 2, 3 and 4.***

***2) The Tribunal is nonetheless at liberty to assess the standard rent of the suit premises in terms of the legal framework in the Rent Restriction Act and furnish the parties with a copy of the assessment.***

***3) The 2nd respondent is at liberty to initiate appropriate proceedings and seek redress in a civil court with jurisdiction to adjudicate the dispute.***

***4) The ex-parte applicant shall file and serve a substantive motion within 21 days. In default, the leave and the stay order granted herein shall both stand vacated.***

***5) Mention on 5/5/2021 for further directions.***

**DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 18TH DAY OF FEBRUARY 2021.**

**B M EBOSO**

**JUDGE**

**In the Presence of: -**

