



**Classic Parcel Handlers Limited & 4 others v Motachwa (Environment & Land  
Miscellaneous Case E001 of 2025) [2025] KEELC 3141 (KLR) (1 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3141 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISII  
ENVIRONMENT & LAND MISCELLANEOUS CASE E001 OF 2025**

**M SILA, J**

**APRIL 1, 2025**

**BETWEEN**

**CLASSIC PARCEL HANDLERS LIMITED ..... 1<sup>ST</sup> APPLICANT  
HARON KAMAU MONDA ..... 2<sup>ND</sup> APPLICANT  
EVANS NYAGAKA ANYONA ..... 3<sup>RD</sup> APPLICANT  
HARKAM ENTERPRISES LIMITED ..... 4<sup>TH</sup> APPLICANT  
KARANI MELLEN BOSIBORI ..... 5<sup>TH</sup> APPLICANT**

**AND**

**CHARLES NYAIRO MOTACHWA ..... RESPONDENT**

**RULING**

1. The application before me is that dated 20 January 2025. It seeks the following orders :
  - i. The Honourable Court be pleased to withdraw and transfer the matter Kisii ELC Case No. E044 of 2024 from Kisii lower court for hearing and disposal.
  - ii. That costs be in the cause.
2. The application is based on the ground that the value of the suit properties in dispute exceed the pecuniary jurisdiction of the Kisii Chief Magistrates' Court.
3. When the application came up for inter partes hearing on 1 April 2025, Mr. Meroka, for the respondent stated that he has a preliminary objection as the suit sought to be transferred was already dismissed for want of jurisdiction. Mr. Omwoyo, for the applicants, agreed that the suit was dismissed but insisted that the court can still give the order of transfer.



4. I have taken note of the submissions of counsel. It is agreed that the suit sought to be transferred i.e Kisii CMCCCLC No. E044 of 2024 has already been struck out. In that event there would be no subject matter for this court to transfer as the case no longer exists.
5. Given that position, the application dated 20 January 2025 must fail and it is hereby dismissed with costs.

Orders accordingly.

**DATED AND DELIVERED THIS 1<sup>ST</sup> DAY OF APRIL 2025**

**JUSTICE MUNYAO SILA**

**JUDGE, ENVIRONMENT AND LAND COURT**

**AT KISII**

Delivered in the presence of :

Mr. Omwoyo for the applicants

Mr. Meroka for the respondent

Court Assistant – Michael Oyuko

