



NEK & 2 others v Karia & 2 others (Environment & Land Case E002 of 2024) [2024] KEELC 1725 (KLR) (9 April 2024) (Ruling)

Neutral citation: [2024] KEELC 1725 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAROK
ENVIRONMENT & LAND CASE E002 OF 2024**

**CG MBOGO, J
APRIL 9, 2024**

BETWEEN

**NEK 1ST PLAINTIFF
NK 2ND PLAINTIFF
NCK 3RD PLAINTIFF**

AND

**LEPOSO OLE KARIA 1ST DEFENDANT
MOK 2ND DEFENDANT
FAMILY BANK LIMITED 3RD DEFENDANT**

RULING

1. When I retired to write the ruling in respect of the Notice of Motion Application dated 31st January, 2024 and upon perusal of the pleadings herein, I find that this is a matter whose jurisdiction lies with the magistrates’ court. At the centre of the dispute is the suit property which is alleged to have been charged to the 3rd defendant/respondent. From the documents sought to be relied upon by the plaintiffs, it appears that the pecuniary jurisdiction, going by the amount of money which the property is alleged to have been charged to the 3rd defendant/ respondent, it is my humble view that the instant case is fit to be heard and determined by the magistrates’ court.
2. For this reason, this court declines to pronounce itself on the instant application. Instead, this file is hereby transferred to the magistrates’ court for hearing and determination.

It is so ordered.

DATED, SIGNED & DELIVERED VIA EMAIL this 9TH day of APRIL, 2024.

HON. MBOGO C.G.



JUDGE

9/04/2024.

In the presence of;

Mr. Meyoki Pere – C. A

