



REPUBLIC OF KENYA

IN THE LAND AND ENVIRONMENT COURT AT ISIOLO

ELC CASE NO. 015 OF 2021

LENA KANARIO.....PLAINTIFF

-VERSUS-

SULEIMAN ROBA.....DEFENDANT

RULING

1. This application is filed by the defendant. It is dated 31st December, 2021 and seeks the orders that:

1. **THAT** the application be certified as urgent and heard ex-parte.

2. **THAT** this Honourable Court be pleased to transfer the current suit to the Isiolo Magistrates' Courts for hearing and determination.

3. **THAT** the costs of this application be provided for.

2. The application is supported by the affidavit of Suleiman Guyo Roba, the defendant and has the following grounds:

a) The value of the subject matter of this suit falls within the jurisdiction of the Isiolo Magistrates' Courts.

b) The Isiolo Magistrates' Courts is the court of first instance and the court with competent Jurisdiction to hear and determine the suit.

c) The Respondent will not suffer any prejudice if the matter is transferred to the Isiolo Magistrates' Courts.

d) It is for the interest of justice that the orders be granted.

3. As the application is taking issue with the Jurisdiction of this court in this matter, I deem it necessary to have the application heard and determined expeditiously.

4. The applicant is granted 21 days to file and exchange written submissions and the respondent is to do so within 21 days after receipt of the applicant's written submissions.

5. Parties granted leave to respond as and if necessary before the mention date.

6. Parties will come to court for directions on 9/5/2022.

DELIVERED IN OPEN COURT AT ISIOLO THIS 7TH DAY OF FEBRUARY, 2022 IN THE PRESENCE OF

Court Assistant: Denge

Ogola h/b Kiogora Mugambi for the plaintiff

M/s Nyasani h/b Jarso for the defendant

HON. JUSTICE P. M. NJOROGI

JUDGE