



**Kutherema Muguka Sacco Society Ltd & 2 others v Governor Mombasa County Government  
& 4 others (Petition 4A of 2024) [2024] KEHC 6363 (KLR) (4 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6363 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT EMBU  
PETITION 4A OF 2024  
AK NDUNG’U, J  
JUNE 4, 2024**

**BETWEEN**

**KUTHEREMA MUGUKA SACCO SOCIETY LTD & 2 OTHERS ... PETITIONER**

**AND**

**THE GOVERNOR MOMBASA COUNTY GOVERNMENT & 4  
OTHERS ..... RESPONDENT**

**RULING**

1. I have taken time to get information on 4 Petitions being Mombasa High Court Petition No.s E018 of 2024, E021 of 2024, and JR No. E012 of 2024 filed at Mombasa as well as Petition E256 of 2024 filed at Nairobi.
2. All the Petitions and the JR application raise issues similar to the subject matter of the Petition before this court.
3. *Vide* an order dated 28/5/2024, Petition No. E256/24 has since been transferred to Mombasa.
4. Upon perusal of the pleadings in the Petitions at Mombasa and on considering the applicable law, and further in order to avoid visiting embarrassment of the court through possible issuance of conflicting orders, I find it necessary to move suo moto and vacate the earlier directions on disposal of the preliminary objection filed herein in furtherance of the interests of justice and good order and proceed to make directions that are necessary in the further handling the matters.
5. To begin with, this court retains residual powers to transfer a Petition like the one before court under the rules where territorial jurisdiction is wrongly invoked. Rule 8 (1) of the [Constitution of Kenya \(Protection of Rights and Fundamental Freedoms\) Practice And Procedure Rules](#) provides as follows:-

“Every case shall be instituted in the High Court within whose jurisdiction the alleged violation took place.”



6. A quick look at the Petition herein clearly shows that the violation complained of took place in Mombasa. The Respondents are based in Mombasa.
7. Secondly, this court has inherent powers to order transfer and consolidation of suits where circumstances so demand to protect the integrity of the legal process and to avoid embarrassing the court.
8. In the premises, I direct that this matter is transferred to the High Court sitting at Mombasa. The Deputy Registrar to as soon as practicable place the file before the Presiding Judge for further directions.

**DATED SIGNED AND DELIVERED VIRTUALLY THIS 4<sup>TH</sup> DAY OF JUNE 2024.**

**A.K. NDUNG’U**

**JUDGE**

