



**M'Arimi v Manyara (Land Case E018 of 2025) [2025] KEELC 3885 (KLR) (12 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3885 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MERU**  
**LAND CASE E018 OF 2025**

**BM EBOSO, J**

**MAY 12, 2025**

**BETWEEN**

**FRANCISCA KARIMI M'ARIMI ..... PLAINTIFF**

**AND**

**FREDRICK GIKUNDA MANYARA ..... DEFENDANT**

**RULING**

1. Before court is a notice of motion dated 29th April 2025 through which the applicant has invited this court to invoke its transfer jurisdiction under Section 18 of the *Civil Procedure Act* and transfer Githongo MCE & L Case No. E034 of 2023 (Originating Summons). The application is opposed on the principal ground that the said suit was filed in a court that is devoid of jurisdiction and is therefore a nullity incapable of transfer.
2. The court has considered the application and the response to the application. Until recently, there were conflicting jurisprudence on the jurisdiction of Magistrate Courts to adjudicate adverse possession claims. Recently, the Court of Appeal made a pronouncement to the effect that Magistrate Courts do not have jurisdiction to adjudicate adverse possession claims. At the moment, the Court of Appeal pronouncement is the prevailing law on the question.
3. It is also a well settled jurisprudential principle that a suit filed in a court that does not have jurisdiction is a nullity and cannot be cured through a transfer. Consequently, the proper thing for the applicant to do is to withdraw the suit in the Magistrate Court and file a competent suit in the Environment and Land Court.
4. The result is that, the application dated 29th April, 2025 is declined. Taking into account the confusion that was created by the Environment and Land Court on the question of jurisdiction of Magistrate Courts in adverse possession disputes, there will be no award of costs.
5. It is so ordered.



**DATED SIGNED AND DELIVERED AT MERU THIS 12TH DAY OF MAY 2025**

**B M EBOSO [MR]**

**JUDGE**

