



**Ternic Valuers Limited v Ochieng (Miscellaneous Civil Application E138 of 2023) [2023] KEHC 22467 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22467 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E138 OF 2023  
RE ABURILI, J  
SEPTEMBER 21, 2023**

**BETWEEN**

**TERNIC VALUERS LIMITED ..... APPLICANT**

**AND**

**ROBERT OUMA OCHIENG ..... RESPONDENT**

*(Being an appeal from the Judgment and Decree of Hon. Oanda (SPM) delivered on 7th July 2023 in Winam Civil Case No. E279 of 2023))*

**RULING**

1. The dispute subject of litigation herein is between Landlord and Tenant. The court vested with jurisdiction to hear and determine the dispute herein is the Environment and Land Court and not this court.
2. In the premises, I hereby decline to entertain the application as filed.
3. The parties have asked the court to administratively refer the matter to the Environment and Land Court. However, this is not the transitional period. The Environment and Land Court was established over ten (10) years ago and the definition of court in the Landlord and Tenant Act is the Environment and Land Court.
4. Albeit the lower court may have handled the case as a civil suit, the lower court was a gazetted court to hear and determine Land and Environment cases.
5. For the above reasons and for want of jurisdiction, I hereby strike out the application dated August 21, 2023 with no orders as to costs.
6. This file is closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2023.**



**R. E. ABURILI**  
**JUDGE**

