



**Obwoye v Obwocha (Miscellaneous Civil Application E025 of 2024)  
[2024] KEHC 12504 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12504 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT HOMA BAY  
MISCELLANEOUS CIVIL APPLICATION E025 OF 2024**

**KW KIARIE, J  
OCTOBER 17, 2024**

**BETWEEN**

**AYIEKO ERUSTUS OBWOGE ..... APPLICANT**

**AND**

**SIMON NYAMWEYA OBWOCHA ..... RESPONDENT**

**RULING**

1. The applicant moved the court through a Notice of a motion dated the 13<sup>th</sup> day of May 2024. It was brought under Sections 3A and 17 of the [Civil Procedure Act](#) and Order 51 Rule 1 of the [Civil Procedure Rules](#), and Section 7 of the [Magistrates Court Act](#). The applicant is seeking the following orders:
  - a. That the suit being Homa Bay CMCC/55/2018 between Ayieko Erustus Obwoye and Simon Nyamweya Obwocha be and is hereby transferred from Homabay Chief Magistrate’s Court to Migori Chief Magistrate’s court for hearing and final determination.
  - b. That the costs of this application be in the cause.
2. The applicant has contended that it was erroneously filed in the court without territorial jurisdiction.
3. The respondent was served with the application through the firm of Nyagesoa & Company Advocates. No response or submissions were filed.
4. The application, being unopposed, is allowed with no orders to costs.

**DELIVERED AND SIGNED AT HOMA BAY THIS 17<sup>TH</sup> DAY OF OCTOBER 2024**

**KIARIE WAWERU KIARIE**

**JUDGE.**

