



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**CIVIL CASE NO. 2752 OF 1982**

**GITERE KAHURA INVESTMENTS LTD .....PLAINTIFF**

**VERSUS**

**SAMUEL MUNDTI GATABAKI .....1<sup>ST</sup> DEFENDANT**

**NANCY WANJA GATABAKI .....2<sup>ND</sup> DEFENDANT**

**DIRECTIONS**

This matter was listed for ruling today following a Notice of Preliminary Objection filed by the plaintiff/respondent herein. While preparing to write the ruling I perused the original pleadings resting with the decree made on 3<sup>rd</sup> October, 1985 and issued on 20<sup>th</sup> January, 1987.

Having done so, I related the entire record to provisions of Article 162 (2) of the Constitution and The Environment and Land Court Act No. 19 of 2011, and in particular Sections 13 and 30 thereof. The foregoing provisions of law, I believe, divest this court of any jurisdiction to address and determine the matter. Informed by the said provisions of law, I find the correct court to deal with this matter is Environment and Land Court.

Accordingly, I decline to exercise any action herein and direct that this file shall be placed before the Presiding Judge of the Environment and Land Court on 5<sup>th</sup> November, 2018 for appropriate directions as to the hearing of the application herein.

I note that this is one of the oldest cases in our court and priority should be accorded to any steps that shall be taken hereinafter. Counsel on record are accordingly informed.

***Dated, signed and delivered at Nairobi this 1<sup>st</sup> day of November, 2018.***

**A. MBOGHOLI MSAGHA**

**JUDGE**