



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA MISCELLANEOUS APPLICATION CAUSE NO. 1 OF 2017

OBADIAH MURUJA MUGENDI.....APPLICANT

VERSUS

CHARLES KABITI JAPHET.....1ST RESPONDENT

MERU SOUTH/MAARA LANDS ADJUDICATION OFFICER.....2ND RESPONDENT

THE HONOURBLE ATTORNEY GENERAL.....3RD RESPONDENT

RULING

1. This application is dated 9th February, 2017 and seeks orders:

1. That this honourable court be pleased to transfer Chuka Civil Case NO.109 of 2014 and all proceedings thereof to this Honourable Court for trial and disposal.
2. That this honourable court be pleased to issue directions on whether the matter to start *de novo* or proceed from where the matter had reached.
3. That costs of this application be provided for.

2. The application is buttressed by the affidavit of Obadiah Muruja Mugendi and has the following grounds:

1. That the matter in question herein is a land dispute within the definition set out in Article 162 of the constitution of Kenya 2010.
2. That as such, this suit should be transferred to this Honourable Court for hearing and disposal.

3. Advocate Kijaru urged the court to transfer Chuka Civil Case NO.109 of 2014 to this court for trial and disposal, mainly due to the age of the applicant, who he said was 84 years old and also due to the fact that there was no magistrate gazetted to hear Land Matters at Chuka.

4. I do agree that the applicant has proffered a compelling reason to have the apposite matter transferred to this court. However, there is an administrative edict by the Hon. the Chief Justice, that pending determination and delivery of a matter in a higher court, all transfers from the lower courts to this court and vice versa, should in the interim be held in abeyance.

5. Pending further developments, this application is not allowed.

6. With the expectation that the apposite issues will be resolved soon, I will accord the applicant another date when directions will hopefully be taken.

7. Pending further communication, the registry is directed not to entertain applications for transfer of suits from the lower courts to this court and vice versa.

8. It is so ordered.

9. Directions on 22.3.2017

Delivered in open court at Chuka this 22nd day of February, 2017, in the presence of:

CA: Ndegwa

Kijaru for the Applicant

Charles Kabiti Japhet – 1st respondent

P. NJORGE,

JUDGE.