

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND SUIT NO 98 OF 2012

GRACE KANANU RIMITA.....PLAINTIFF

VERSUS

GREGORY MWENDA M'IKWI.....1ST DEFENDANT

MICHAEL KAMAU MBUGUA2ND DEFENDANT

R U L I N G

This application is dated 21/06/2016 and seeks orders:-

1. ***THAT the Honourable Court be pleased to issue an order transferring this suit from the High Court to the Meru Chief Magistrate's Court for hearing and determination.***
2. ***THAT costs of the application be in the cause.***

The application is buttressed by the affidavit of GRACE KANANU RIMITA and has the following grounds:-

- a. ***THAT the Subordinate Court is competent to hear and determine the present suit in light of the recent legislation, The Magistrates' Court Act, 2015 which came into force on 2/1/2016.***
- (b) ***THAT no prejudice shall be occasioned upon the defendants.***

On the day slated for interpartes hearing the Defendants and their Advocate were absent even though they were aware of this date. Mr. Mutegi holding brief for Mr. Mwirigi for the Plaintiff asked the Court to allow the application in view of the fact that it was not opposed.

In the circumstances, **the application is allowed in terms of Section 18, CPA, this suit is transferred to the Chief Magistrate's Court, Meru, for hearing and determination.**

It is so ordered.

Delivered in open Court at Meru this **8th day of March, 2016** in the presence of:-

CC: Lilian/Daniel

Mutegi h/b Mwirigi for the Plaintiff.

P. M NJOROGE

JUDGE