

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL CASE NO. 255 OF 2010

NDUNYU CO-OPERATIVE SOCIETY LIMITED.....PLAINTIFF

VERSUS

ARCHDIOCESE OF NAIROBI (K)

REGISTERED TRUSTEES1ST DEFENDANT

COUNTY COUNCIL OF KIAMBU.....2ND DEFENDANT

RULING ON JURISDICTION OF THE HIGH COURT

The application dated 13th November 2015 seeks for dismissal of this suit against the defendants for want of prosecution and costs of the application.

However, my perusal of the application and suit reveals that the subject matter of the dispute relates to ownership and occupation of land parcel No. Kabete/Lower Kabete/T. 384 and T. 434.

That being the case, albeit this suit was instituted before the effective date of 27th August 2010, it is clear that it has been caught up by the provisions of Article 162 (2) (b), 165(5)(b) of the Constitution and Section 13(1) of the Environment and Land Court Act.

Accordingly, and as the matter has not been heard before this court, I exercise my discretion under Section 30 of the Environment and Land Court Act, 2011 and direct that this matter be placed before the Environment and Land Court for consideration of any pending issues.

Dated, signed and delivered in open court at Nairobi this 12th day of April 2016.

R.E. ABURILI

JUDGE