

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

CIVIL SUIT NO. 113 OF 2011

CHARLES WEPUKHULU PLAINTIFF

VERSUS

BUNGOMA TEACHERS COOPERATIVE

SAVINGS & CREDIT SOCIETY LTD..... DEFENDANT

RULING

Application before court is dated 16th March 2012 brought by way of Notice of Motion. The main issue is to reinstate a suit struck out due to lack of jurisdiction and none attendance.

The application is opposed.

My reading of the ruling being sought to be set aside is clear that the suit was struck out after hearing of a preliminary objection as the court lacks jurisdiction and not non-attendance.

The question is whether reinstating of the suit will serve any purpose at all? The answer is quite simple none at all as the position of the court remains. Jurisdiction is everything to a court. Lack of jurisdiction is a matter of law and goes to the core of any suit. This being the case the application is dismissed with costs.

Dated at Bungoma this 10th day of March 2015.

ALI-ARONI

JUDGE.