



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND MISC APPL NO 26 OF 2014

JACKSON KIRAITHE.....PLAINTIFF

VERSUS

THOMAS KINOTI JOHN1ST DEFENDANT

BALDEV KUMUR KASTURILALWAL2NDDEFENDANT

QUADCO ONE HUNDRED SIXTY NINE LTD.....INTERESTED PARTY

RULING

This application is dated 10th January, 2013 and seeks Orders:-

1. ***THAT the Honourable Court be pleased to Order the withdrawal of Nanyuki SPMCC NO. 95 of 2004 (Jackson Kiraithe -vs- Thomas Kinoti & Others) pending the Chief Magistrate's Court at Nanyuki and transfer it to the High Court, Environment and Land Division at Nyeri for Hearing and determination.***
2. ***THAT the Honourable Court be pleased to make any other order of further orders and give direction as it may deem just, expedient and necessary.***
3. ***THAT the costs of the application be provided for:***

It has the following grounds:-

- a. ***THAT the Lower Court is seized of jurisdiction to entertain the suit in view of the provisions of Section 13(2) of the Environment and Land Court Act.***
 - (b) ***THAT the value of the subject is now over Kshs 100,000,000/=.***
 - (c) ***THAT no prejudice will be occasioned to either party.***

On 7/7/2015, the applicant urged the Court to allow his application as it was not opposed. Mr. Wamache holding brief Mutunga for Defendant did not offer any tangible opposition.

In the circumstances, the application is allowed in terms of prayer/except that the suit is transferred to this court and not to Nyeri. Consequently the apposite suit is transferred to this Court and will be allocated a new number. Costs shall be in the cause.

It is so ordered.

Delivered in Open Court at Meru this 7th day of July, 2015 in the present of:-

CC: Lilian/Daniel

Wamache h/b Mutunga for Defendant

Jackson Kiraiter – Applicant

P.M.NJOROGE

JUDGE