



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
CIVIL CASE NO. 56 OF 2005
FORMERLY NYERI MISC 54 OF 1984

WANOI KARANI.....PLAINTIFF

VERSUS

MURIITHI WAMBUGU

STEPHEN MUNENE.....DEFENDANTS

RULING

1. By their notice of motion dated 8th December, 2006, counsel for the applicant are seeking an order from this court to direct the Deputy Registrar to sign the necessary documents to effect a transfer of the suit land ref No Mutira/Kirunda/578 from the names of the Respondents to that of the applicant.
2. The said application which is expressed to be brought under section 98 of the Civil Procedure Rules(*sic*) is supported by the applicant's affidavit.
3. According to that affidavit, the applicant is the decree holder following his successful claim of adverse possession against the Respondents.
4. The Respondents did not appear for the hearing of this application although they were served with a hearing notice. I find from the affidavit of service dated 21st September, 2015 that the Respondents were properly served and had adequate notice.
5. This is a land dispute which ended in favour of the applicant. It is at the stage of execution. There is a jurisdictional issue involved in this matter. According to the Court of Appeal (at Malindi) in ***Karisa Chengo and 2 Others v. R, Criminal Appeal Nos 44, 45 and 76 of 2014***, a judge of the Environment and Land Court has no jurisdiction to hear and determine a criminal appeal. Such a judge can only hear and determine land disputes and related matters.
6. The Court of Appeal in that appeal put the matter in the following terms

“.....In the premises, we would agree with the submission that a judge appointed to any of the two specialized court does not have jurisdiction to sit courts other than the one he/she was specifically appointed to.....”

7. The two specialized courts referred to above are the Environment and Land Court and the Employment and Labour Relations Court (formerly the Industrial Court).
8. In the light of the foregoing, I do not have jurisdiction to hear and determine this application. The reason being that it touches on matters of land, which are exclusively reserved for the Environment and Land Court.
9. It is for this reason that since I only exercise functions of the High Court. I hereby decline to

entertain this application.

10. In the circumstances, the parties are hereby directed to appear before the Deputy Registrar to take a suitable date for the matter to be heard and determined by the Environment and Land Court.

RULING DATED, SIGNED and DELIVERED in open court at **EMBU** this 12th day of **OCTOBER .2015**

In the absence of both counsel and the parties.

Court clerk Mr Njue

J.M. BWONWONGA

JUDGE

12.10.15