

REPUBLIC OF KENYA
HIGH COURT OF KENYA
AT MOMBASA

CIVIL APPEAL NO. 9 OF 2011

HARON THUI MBUTETI.....PLAINTIFF

-V E R S U S-

1. MUNICIPAL COUNCIL OF MOMBASA1ST DEFENDANT

2. DANIEL BAIDI MWANZA 2ND DEFENDANT

RULING

1. **HARON THUI MBUTETI** filed case **Mombasa CMCC No. 2169 of 2000**. His claim was that he was allocated **Plot 187 Mikindani** by the then Municipal Council of Mombasa, the 1st Defendant and that Daniel Baidi Mwawaza had entered the said Plot and deprived him the use of that Plot. He prayed for injunction against both Defendants to restrain both Defendants from constructing on that Plot.
2. He was unsuccessful before the Chief Magistrate's Court and has now filed this appeal.
3. From the above it is clear that this matter is a land matter and ought to go to the Environmental and Land Division Court of Mombasa. Accordingly I do hereby transfer this matter to the Land Division of this Court.

Orders accordingly.

DATED and DELIVERED at MOMBASA this 5TH day of JUNE, 2014.

MARY KASANGO

JUDGE