



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
E & L CASE NO. 141 OF 2013

MANYARA DELAMERE KIRANJI.....PLAINTIFF/APPLICANT

VERSUS

LUCY MWONJARU.....1ST DEFENDANT/RESPONDENT

DENNIS GITONGA.....2ND DEFENDANT/RESPONDENT

RULING

An oral application was made by the defendant on 17.6.2014 that this suit be transferred to Isiolo Law Courts for hearing and determination as the subject matter had a value of less than Kshs. 300,000/=. Mr. Njeru Ihiga who was holding brief for Mbaabu Inoti for the Plaintiff told the court that he had no instructions regarding the transfer of the suit to Isiolo Law Courts.

On 16.7.2014, Mr. Baithambu for the plaintiff told the court that his client was opposed to the transfer of the suit to Isiolo Law Courts. Mr. Nyenyire for the defendant told the court that the subject matter was within the jurisdiction of the Isiolo Court.

The plaintiff's prayers in his plaint are for:

(a) A declaration that the plaintiff is the owner of plot No. KIWANJANI K45.

(b) An order of permanent injunction restraining the 1st and 2nd Defendants by themselves, their agents, servants, or assigns from trespassing into, entering, developing, putting any structures, alienating, dealing with or in any other matter whatsoever interfering with the Plaintiff's user, occupation and ownership of Plot No. KIWANJANI K45.

(c) Costs of the suit with interest at court rates.

The defendant's assertion that the value of the subject matter in this suit does not exceed Kshs.300,000/= has not been challenged by the plaintiff. I find that this matter can be heard and determined by a magistrate seized of the apposite pecuniary jurisdiction at Isiolo Law Courts.

In the circumstances, I issue the following orders:

- 1. This suit is, on this court's own motion, transferred to be heard by a magistrate who possesses the apposite pecuniary jurisdiction at Isiolo Law Courts.**

2. **Interim orders issued by this court are extended up to the date when the parties appear for direction before the magistrate in charge of Isiolo Law Courts.**
3. **Parties to appear for Directions before the magistrate in charge of Isiolo Law Courts on 30th July, 2014.**

Delivered in Open court at Meru this 16th day of July, 2014 in the presence of:

Cc Lilian

Baithambu for the plaintiff

Nyenyire for defendant

P. M. NJOROGE

JUDGE