



REPUBLIC OF KENYA



**Samuel & another v Family Bank Kenya & 2 others (Civil Case
2 of 2016) [2025] KEHC 14505 (KLR) (14 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 14505 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CIVIL CASE 2 OF 2016
S MBUNGI, S MBUNGI & S MBUNGI, JJ
OCTOBER 14, 2025**

BETWEEN

HEZRON MUNANGA SAMUEL 1ST PLAINTIFF

EZEKIEL MUNANGA MABURU 2ND PLAINTIFF

AND

FAMILY BANK KENYA 1ST DEFENDANT

PAWABA AUCTIONEERS 2ND DEFENDANT

DEMONDE AGENCIES AND AUCTIONEERS 3RD DEFENDANT

RULING

1. The defendant counsel filed a preliminary objection dated 3rd July, 2024 saying that this court has no jurisdiction to try the suit for the value of the motor vehicle financed by the 1st defendant is a sum of Ksh, 2,956,800/=.
2. The suit should have been filed before the Chief Magistrates Court .
3. The parties put in written submissions , I have looked at the submissions .
4. The High Court of Kenya has unlimited original and Appellate Jurisdiction of how Civil and Criminal suits .
5. Similarly the High Court has territorial jurisdiction of the entire country.
6. So legally, the court has Jurisdiction to hear and determine this matter.
7. However it is a settled jurisprudence that , where the Jurisdiction is shared between the high court and the lower court a claim should be first filed before the lowest court which has jurisdiction.



8. I therefore order that this file be transferred to the Chief Magistrates Kakamega Law Courts for hearing and determination.
9. The matter be mentioned on 29th October, 2025 before the Chief Magistrate for re-allocation.
10. Right of Appeal 30 days.

DATED, SIGNED and DELIVERED at KAKAMEGA this 14th day of OCTOBER, 2025

S.N. MBUNGI

JUDGE

In the presence of:

Court Assistant: Elizabeth Agong'a

Mr Mwaka holding brief for Mr. Mukavale J, for the Plaintiff present online.

Ms Karanja holding brief for Mr. Macharia the Defendant present online.

kk. hcc 2 of 2016 -ruling	0
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