



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 05 OF 2019

FORMERLY CHUKA C.M'S CIVIL CASE NO. 114 OF 2018

MUGERA KAMOTHO.....PLAINTIFF

VERSUS

JAMES MUCHIRI NDEGWA.....1ST DEFENDANT

DAVID MUTHENGI.....2ND DEFENDANT

JOHN NYAGA.....3RD DEFENDANT

M'IMWITHA M'RINTHIRA4TH DEFENDANT

JACKSON MAKUNYI KURURU.....5TH DEFENDANT

M'GWETA MURUA.....6TH DEFENDANT

NJERU NGOROI.....7TH DEFENDANT

ALEXANDER MUNENE MATI.....8TH DEFENDANT

PATRICK MUTUGI MATI.....9TH DEFENDANT

JOHN GITONGA MATI.....10TH DEFENDANT

CATHERINE KAGENDO MUTURIA.....11TH DEFENDANT

M'NANDI MAIKITHE.....12TH DEFENDANT

RULING

1. This matter was referred to this court by the CM's Court on the ground that the subject matter has a value of **over Kshs.20 million**.
2. The claim in the plaint is for rectification of the register to cancel the names of the defendants and replace them with the name of the plaintiff. There is no valuation to show the value of the 12 apposite plots. Even assuming that the total value **amounts to 20,000,000/= shillings**, if this is divided by 12 the value of each of the parcels of land is **less than 2,000,000/= shillings**.
3. The claim in the plaint is for **rectification** of the **12 registers**. I do not agree that the lower court has no jurisdiction to hear and determine this suit.
4. Nevertheless, it is noted that this suit was filed on **4th March, 2015, over 4 years ago**. It is necessary for this suit to be heard expeditiously. As this court has original jurisdiction to hear all environment and land cases, I agree to hear and determine this case expeditiously.

5. It is ordered that this suit be **heard** on **7th May, 2019**.

6. Costs will be in the cause.

Delivered in open Court at Chuka this **29th day of April, 2019** in the presence of:

CA: Ndegwa

Miss Nzekele h/b I.C. Mugo for the defendants

Mugera Kamotho – Plaintiff

P.M. NJORGE

JUDGE