



**Rombo v Haji & 2 others (Environment and Land Case E104 of 2024)  
[2025] KEELC 8565 (KLR) (4 December 2025) (Ruling)**

Neutral citation: [2025] KEELC 8565 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND CASE E104 OF 2024  
LC KOMINGOI, J  
DECEMBER 4, 2025**

**BETWEEN**

**ZACHARIAH ERIC OLOO ROMBO ..... PLAINTIFF**

**AND**

**GENERAL BASHIR HAJI ..... 1<sup>ST</sup> DEFENDANT**

**JANE OLOO AKONG'O ..... 2<sup>ND</sup> DEFENDANT**

**OFFICE OF THE LAND REGISTRAR ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. This Ruling is in respect of the Preliminary Objection dated 10<sup>th</sup> December 2024. The grounds are;
  - i. This Honourable Court has no objection to determine matrimonial properties disputes or matrimonial causes as pleaded in paragraphs 6-15 & 18 of the Plaintiff.
  - ii. This Honourable Court has no jurisdiction to determine matrimonial properties disputes on matrimonial causes under Section 83 of the *Marriage Act*, 2014, the jurisdiction to determine spousal interest is exclusively conferred to the Family Division of the High Court of Kenya.
  - iii. The suit is an abuse of the court process as the Plaintiff has pleaded under paragraphs 13, 14 and 15 that he has filed the suit in the High Court.
2. On the 14<sup>th</sup> July 2025, the court with the consent of the parties directed that the Preliminary Objection be canvassed by way of written submissions.



3. In the case of Mukisa Biscuits Company Limited Vs. West End Distributions Limited (1969) EA 696 the Court stated thus as per Sir Charles Newbold, P;

“.....A Preliminary Objection in the nature of what used to be a demurrer. It raises a pure point of law which is argued on the assumption that all facts pleaded by the other side are correct. It cannot be raised if any fact has to be ascertained of if what is sought is exercised of judicial discretion.”

Law JA stated thus;

“.....so far as I am aware, a Preliminary Objection consists of a pure point of Law which has been pleaded or which arises by clean implication out of pleadings and which if argued as a Preliminary Objection may dispose of the suit. Examples are an objection to the jurisdiction of the court, or a plea of Limitation or a submission that the parties are bound by the contract giving rise to the suit to refer the dispute to arbitration.”

4. I have looked at the prayers in the Originating Summons dated 16<sup>th</sup> November 2023. This clear that the suit properties allegedly sold by the Respondent are Matrimonial Properties.
5. In paragraph 21 of the Affidavit in support of the Originating summons the Applicant deponed that he has filed a matrimonial cause being Milimani Matrimonial No.HCF OS E086 of 2023 where he has sought the same reliefs.
6. I agree with the Respondent’s submissions that this court has no jurisdiction to determine this suit as it is Section 83 of the Marriage Act grants jurisdiction to the High Court.
7. I find merit in the Preliminary objection and the same is upheld. As this is a matter that involves former spouses. I order each party to bear own costs.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 4<sup>TH</sup> DAY OF DECEMBER 2025.**

**L.KOMINGOI**

**JUDGE.**

**In The Presence Of:**

Ms. Bunde for the Plaintiff.

Ms. Kwamboka for the 1<sup>st</sup> Defendant.

Mr. Gitau for the 2<sup>nd</sup> Defendant.

N/A for the 3<sup>rd</sup> Defendant.

Court Assistant – Peter.

