



Muhoho Gichimu & Company Advocates v Kanyigi & 2 others (Civil Miscellaneous E025 of 2024) [2026] KEHC 626 (KLR) (26 January 2026) (Ruling)

Neutral citation: [2026] KEHC 626 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CIVIL MISCELLANEOUS E025 OF 2024
DKN MAGARE, J
JANUARY 26, 2026**

BETWEEN

MUHOHO GICHIMU & COMPANY ADVOCATES PLAINTIFF

AND

ELIUD NJOROGE KANYIGI 1ST DEFENDANT

DAMARIS NJERI KAGIRI 2ND DEFENDANT

TERESIA NYAMBURA KINUTHIA 3RD DEFENDANT

RULING

1. This is an ex-tempore ruling on an application dated 4/6/2025 to adopt a certificate of taxation given on 7/8/2024.
2. Taxation was ruled out on 7/8/2024. There has been no opposition to the same. However, the application was filed as an ELC Miscellaneous. The court cannot by craft assume jurisdiction it does not have. In the case of *Macharia & another v Kenya Commercial Bank Ltd & 2 others* [2012] KESC 8 (KLR), the supreme court stated as doth:

This Court dealt with the question of jurisdiction extensively in, *In the Matter of the Interim Independent Electoral Commission (Applicant), Constitutional Application Number 2 of 2011*. Where *the Constitution* exhaustively provides for the jurisdiction of a Court of law, the Court must operate within the constitutional limits. It cannot expand its jurisdiction through judicial craft or innovation. Nor can Parliament confer jurisdiction upon a Court of law beyond the scope defined by *the Constitution*. Where *the Constitution* confers power upon Parliament to set the jurisdiction of a Court of law or tribunal, the legislature would be within its authority to prescribe the jurisdiction of such a court or tribunal by statute law.”



3. The jurisdiction of the High Court is circumscribed by the provisions of Article 165(5) of *the Constitution* as follows:

The High Court shall not have jurisdiction in respect of matters—

- (a) reserved for the exclusive jurisdiction of the Supreme Court under this Constitution; or
 - (b) falling within the jurisdiction of the courts contemplated in Article 162(2).
4. In order to meet the ends of justice, this file is transferred to the Environment and Land Court, Nyeri, for hearing and final determination.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 26TH DAY OF JANUARY, 2026. RULING DELIVERED EXTEMPORE, THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

KIZITO MAGARE

JUDGE

In the presence of:

No Appearance by Parties

Court Assistant – Michael

