



**PKM v BNC (Matrimonial Cause E002 of 2024)
[2026] KEHC 368 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 368 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MATRIMONIAL CAUSE E002 OF 2024
SM MOHOCHI, J
JANUARY 22, 2026**

BETWEEN

PKM APPLICANT

AND

BNC RESPONDENT

RULING

1. The Notice of Motion Application dated 4th August, 2025 before me is for an order of transfer to transfer the file in the Nakuru H.C Matrimonial Cause No. E002 OF 2024 currently pending judgment to the Magistrate’s Court for hearing and final determination to the subordinate Court of jurisdiction.
2. The Application is premised on the interim judgment of this Court dated 28th March 2025 ordering the Plaintiff to Conduct a valuation and ascertain the pecuniary value of the suit Property to determine jurisdiction before final judgment.
3. Consequently, a valuation report dated 2nd May, 2025 was filed, the property was valued at Kshs.4,100,000/- and thus falls within the jurisdiction of the magistrate’s Court pursuant to the provisions of the Magistrate’s Court Act.
4. That no substantial issue of law or facts exists in this case that requires the exclusive determination by the High Court.
5. It was the Applicant’s case that the matter was filed in the High Court out of caution and it is in the interest of justice and judicial economy that it be heard by the subordinate Court. In any event, parties had, by consent, filed their respective submissions and the matter is only pending judgment
6. The Application is largely unopposed.



7. This Court takes a dim view of the conduct by the plaintiff counsel who deliberately ignored the jurisdictional question until the Court retired to write a judgment, a lot of time has been wasted for the parties and crucial and rare judicial time in my Court has been wasted.
8. I am however inclined to find this Court to be without jurisdiction, this matter is hereby transmitted to the chief magistrate's Court at Nakuru where it shall be freshly registered to be heard denovo.
9. All proceedings conducted before the High Court in Nakuru H.C Matrimonial Cause No. E002 OF 2024 shall be struck-off the record and shall not form part of the subordinate Court proceedings.

It is so Ordered.

DATED, SIGNED AND DELIVERED AT NAKURU ON THIS 22ND DAY OF JANUARY 2026

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MOHOCHI S.M.

JUDGE

