

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISC. CIVIL APPLICATION NO. E047 OF 2026**

BANK OF  
BARODA.....CLAIMANT

VERSUS

VERONICAH NDINDA  
MUTUA.....RESPONDENT

**RULING**

1. Bank of Baroda, the Claimant herein, has approached this court through a Notice of Motion Application (the Application) dated 21/01/2026 seeking orders of stay in Milimani SCC No. E5309 of 2025 pending hearing and determination of the application and the transfer of that matter from the Small Claims Court Nairobi to the Chief Magistrates Court at Milimani for hearing and determination.
2. The Application was brought under the legal provisions stated on the face of it and is supported by the grounds found on the body of the application and in the Supporting Affidavit sworn by Edda Ngichave Simiyu on 21/01/2026.

3. The Notice of Motion was filed under a Certificate of Urgency although this court did not certify the matter as urgent. The court directed the Applicant to serve the Application on the Respondent or her counsel and return to court for directions.
4. Efforts to serve the application on the Respondent were unsuccessful. The reasons given for not serving the Respondent were that she has changed her place of work and that her WhatsApp number, 0723519501 was not registered in the platform.
5. The Applicant filed an Affidavit stating the difficulties involved in serving the Application.
6. I have considered the application. It seeks a substantive order to transfer Milimani SCC E5309 of 2025 to Milimani Chief Magistrates Court for hearing and determination. I have considered this application and note that no prejudice will be occasioned on the Defendant/Respondent if the transfer sought is granted.
7. Consequently, I hereby allow the application as prayed. Milimani SCC E5309 of 2025 is hereby transferred to the

Milimani Chief Magistrates Court for hearing and determination. It is so ordered.

**Dated, signed and delivered this 27<sup>th</sup> February 2026**

**S. N. MUTUKU  
JUDGE**

ORIGINAL