



**Mutai v Maritim (Miscellaneous Civil Application E009 of 2025)
[2026] KEHC 2434 (KLR) (19 February 2026) (Ruling)**

Neutral citation: [2026] KEHC 2434 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KERICHO
MISCELLANEOUS CIVIL APPLICATION E009 OF 2025**

JK SERGON, J

FEBRUARY 19, 2026

BETWEEN

JOSEPH MUTAI APPLICANT

AND

CHEPKIRUI MARITIM RESPONDENT

RULING

1. Joseph Mutai, the Applicant herein took out the motion dated 31st January, 2025 whereof he applied to have Kericho CMCC.ELC. No.E007 of 2020 transferred from the Chief Magistrate’s Court to the High Court. The Applicant filed an Affidavit he swore in Support of the motion. When served, the Respondent filed an Affidavit sworn by Chepkirui Maritim to oppose the Application
2. I have considered the grounds stated on the face of the motion and the facts deponed in the rival Affidavits. It is the submissions of the Applicant that the issues in the case before the Chief Magistrate’s Court relate to sharing of matrimonial Land Parcel No. Kericho/Kapsuser/6447 which falls within the jurisdiction of the High Court. It is said that the suit was filed before the Divorce was granted and that the Chief Magistrate had jurisdiction to entertain the matter.
3. The Respondent opposed the Application averring that the Applicant had sued the Respondent over fraud relating to L.R. No. Kericho/Kapsuser/6447. The Respondent further argued that the issue before the Trial Court is over the ownership of the aforesaid Parcel alleged to have been obtained through fraud and not sharing of Matrimonial Property. It is the Respondent’s argument that this Court has no jurisdiction to deal with the land dispute.
4. Having considered the rival arguments and the material placed before this Court, it is clear that the suit expressed vide the Draft Amended Plaintiff relates to a land dispute. The same cannot be said to be to be a dispute over the sharing of Matrimonial Property. This Court cannot give itself jurisdiction to entertain a land dispute.



5. It is the preserve of the Environment and Land Court to hear and determine Land Disputes pursuant to Article 162 of *the Constitution*.
6. In the end, I find no merit in the motion dated 31st January, 2025. The same is dismissed with costs to the Respondent.

DELIVERED, SIGNED AND DATED AT KERICHO THIS 19TH DAY OF FEBRUARY, 2026

J.K. SERGON

JUDGE

In the presence of:-

C/Assistant - Rutoh

No Appearance

