

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

CIVIL CASE NO.E006 OF 2021

ELIZABETH MUKAMI KAMAU PLAINTIFF

VERSUS

STEPHEN NZUE MWANTHI 1ST DEFENDANT

JOSEPH KARIUKI KWERI 2ND DEFENDANT

BENSON MWANGI NDUNGU 3RD DEFENDANT

RULING

1. This matter is for interparties hearing of a **Notice of Motion** application dated 11th December, 2025 in which the Applicant is seeking for orders that:-

a) This suit be transferred from the High Court at Kiambu to the High Court at Thika.

b) Costs of the application be provided for.

c) Any other relief that the Honourable Court deems fit.

2. The application is supported by the grounds on the face of it and Supporting Affidavit sworn by the Plaintiff/Applicant on even date.

3. The gist of this being that the cause of action arose within the jurisdiction of

the High Court at Thika. However, at the time of filing the suit, the only available High Court then was at Kiambu. Now, there is a functional High Court at Thika and hence it would be in the interest of justice and for convenience for the parties that this suit be transferred to the High Court at Thika for hearing and determination.

4. Even though there is no appearance or representation by either party or a response filed by the Respondent, this Court has considered the nature of the application and find that since the same is about territorial jurisdiction, it can be handled by this Court by virtue of its inherent powers (discretion) as provided for under **Sections 1A, 1B and 3A of the Civil Procedure Act.**
5. I have read through the Plaintiff and established that the cause of action, being a Road Traffic Accident involving a lawful pedestrian and **Motor Vehicle Registration No.KBL 837M, make Isuzu FIT** arose along **General Kago Road near General Kago Funeral Home in Thika.** Therefore, it is only prudent, convenience and in the interest of justice that this suit be transferred from this court to **Thika High Court** for hearing and determination since this court lacks territorial jurisdiction to hear and determine the same.
6. In the case of **Owners of Motor vessel 'Lilian S' –vs- Caltex Oil (Kenya)**

Ltd, Civil Appeal No.50 of 1989[1989]KECA 48 (KLR), it was held that:-

“A question of jurisdiction ought to be raised at the earliest opportunity..... Jurisdiction is everything. Without it, a court has no power to make one more step..... must down its tools”.

7. Consequently, this Court proceeds to find that it lacks territorial jurisdiction to hear and determine the suit and proceeds to allow the **Notice of Motion** application dated 11th December, 2025 in the following terms:-

a) That this suit be and is hereby transferred from this High Court at Kiambu to the High Court at Thika for hearing and determination.

b) Costs be in the cause.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU

THIS 18TH DAY OF MARCH, 2026.

D. O. CHEPKWONY

JUDGE

In the presence of:

No appearance for and by either party

Court Assistant - Martin