



**Galot v Galot & 8 others (Environment and Land Case 2247 of 2007 & Civil Case 49 of 2009 (Consolidated)) [2026] KEELC 2192 (KLR) (21 April 2026) (Ruling)**

Neutral citation: [2026] KEELC 2192 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT AND LAND CASE 2247 OF 2007  
& CIVIL CASE 49 OF 2009 (CONSOLIDATED)**

**CG MBOGO, J**

**APRIL 21, 2026**

**BETWEEN**

**MOHAN GALOT ..... PLAINTIFF**

**AND**

**GANESHLAL PUSHARAM GALOT ..... 1<sup>ST</sup> DEFENDANT**

**PRAVIN GALOT ..... 2<sup>ND</sup> DEFENDANT**

**RAJESH GALOT ..... 3<sup>RD</sup> DEFENDANT**

**KING WOOLEN MILLS LIMITED ..... 4<sup>TH</sup> DEFENDANT**

**GALOT LIMITED ..... 5<sup>TH</sup> DEFENDANT**

**MOHAN MEAKIN (K) LIMITED ..... 6<sup>TH</sup> DEFENDANT**

**GALOT INVESTMENTS LIMITED ..... 7<sup>TH</sup> DEFENDANT**

**AS CONSOLIDATED WITH**

**CIVIL CASE 49 OF 2009**

**BETWEEN**

**MOHAN GALOT ..... PLAINTIFF**

**AND**

**PRAVIN GALOT ..... 1<sup>ST</sup> DEFENDANT**

**RAJESH GALOT ..... 2<sup>ND</sup> DEFENDANT**

**GANESH GALOT ..... 3<sup>RD</sup> DEFENDANT**



KEVIN GALOT ..... 4<sup>TH</sup> DEFENDANT  
PRADEEP GALOT ..... 5<sup>TH</sup> DEFENDANT  
NARENDRA GALOT ..... 6<sup>TH</sup> DEFENDANT

AND

PAVAN GALOT ..... 1<sup>ST</sup> INTERESTED PARTY  
DENISH GALOT ..... 2<sup>ND</sup> INTERESTED PARTY

### RULING

1. Before this court for determination is the notice of motion dated 11<sup>th</sup> February, 2026 filed by the 3<sup>rd</sup> defendant, and it is expressed to be brought under Order 51 Rule 1 of the Civil Procedure Rules and Sections 1A, 1B and 12 of the *Civil Procedure Act* seeking the following orders:-
  1. Spent.
  2. That this suit be transferred to the Environment and Land Court at Thika within Kiambu County for hearing and determination.
  3. That this honourable court be pleased to grant such further orders as it shall deem fit and just in the circumstances of this case.
  4. That the cost of this application be provided for.
2. The application is premised on the grounds inter alia that the suit property known as LR. No. 7022/7 is located in Kiambu within the geographical jurisdiction of the Environment and Land Court, Thika. The application is further supported by the affidavit of the 3<sup>rd</sup> defendant sworn on even date. He deposed that the suit property is in Kiambu within the geographical jurisdiction of the Environment and Land Court, Thika. Further, that there are two other related matters, being ELC No. 23 of 2020 and Chief Magistrates Comm. Civil Case No. 200 of 2007 pending before the ELC Thika and the Chief Magistrates Court Kiambu that were stayed pending the hearing and determination of this matter.
3. The 3<sup>rd</sup> defendant deposed that this suit was filed in the year 2007, before the creation of this court, and when the High Court in Nairobi was the only superior court serving both Nairobi and Kiambu. Since the suit property is situated in Kiambu, and that all the parties herein reside in Kiambu, he deposed that it would be convenient and cost-effective for the parties, their witnesses and the court for this file to be transferred to Kiambu for urgent hearing and disposal, since the suit is now ready to proceed for hearing. He further deposed that because of the nature of this case, he shall be applying for a site visit, and that it will therefore be convenient for the court to have the ELC, Thika, handle this matter.
4. This application was supported by Narendra Galot, the 6<sup>th</sup> defendant in civil case no. 49 of 2009, which is consolidated with this suit. His supporting affidavit is sworn on 16<sup>th</sup> February, 2026. The 2<sup>nd</sup> defendant filed the notice of no objection to the instant application dated 10<sup>th</sup> March, 2026. Pavan Galot, the 1<sup>st</sup> interested party supported the instant application vide his replying affidavit sworn on 25<sup>th</sup> February, 2026.
5. The application was opposed by the replying affidavit of Avin Galot, the legal representative of the estate of the plaintiff sworn on 17<sup>th</sup> February, 2026. He deposed that the suit property was the sole



property of the plaintiff and the defendants intend to deprive the plaintiff's estate of his interest. He deposed that the defendants have abused the court process with numerous applications, intended to delay the hearing of the suit, with 6 recusal applications being filed in HCCC 55 of 2012 by the same defendants herein.

6. The plaintiff further deposed that it is not in the interest of justice to continue delaying the suit, every time a new court is formed. Further, that the defendants reside and work for gain in industrial area, Nairobi, and that the only consideration for transfer is not the geographical location of the suit land. He also noted that all their lawyers operate their practices in Nairobi.
7. The application was canvassed by way of written submissions. The 3<sup>rd</sup> defendant filed his written submissions dated 24<sup>th</sup> March, 2026 and further submissions dated 27<sup>th</sup> March, 2026. The interested parties filed their written submissions dated 24<sup>th</sup> March, 2026. The 1<sup>st</sup> defendant filed his written submissions dated 24<sup>th</sup> March, 2026. The 2<sup>nd</sup> defendant filed written submissions dated 25<sup>th</sup> March, 2026. The 6<sup>th</sup> defendant filed his written submissions dated 25<sup>th</sup> March, 2026. The plaintiff filed his written submissions dated 10<sup>th</sup> February, 2026.
8. I have considered the application, the reply thereof and the written submissions filed by the respective parties. The issue for determination is whether this suit should be transferred to the ELC in Thika for hearing and determination.
9. The 3<sup>rd</sup> defendant seeks that this suit be transferred to the Thika Environment and Land Court, due to the suit property's location, Land Reference Number 7022/7, being within Kiambu County.
10. The plaintiff vehemently opposed the application on the basis that the defendants have been an impediment to the final determination and conclusion of this matter, by filing various frivolous applications. Section 12 of the *Civil Procedure Act* provides that a suit is to be instituted where subject matter is situate. The said provision states as follows:-

“Subject to the pecuniary or other limitations prescribed by any law, suits—

- a. for the recovery of immovable property, with or without rent or profits;
- b. for the partition of immovable property;
- c. for the foreclosure, sale or redemption in the case of a mortgage of or charge upon immovable property;
- d. for the determination of any other right to or interest in immovable property;
- e. for compensation for wrong to immovable property;
- f. for the recovery of movable property actually under distraint or attachment, where the property is situate in Kenya, shall be instituted in the court within the local limits of whose jurisdiction the property is situate: Provided that a suit to obtain relief respecting, or compensation for wrong to, immovable property held by or on behalf of the defendant may, where the relief sought can be entirely obtained through his personal obedience, be instituted either in the court within the local limits of whose jurisdiction the property is situate, or in the court within the local limits of whose jurisdiction the defendant actually and voluntarily resides or carries on business, or personally works for gain.”



11. In the same vein, Order 47 Rule 6 of the Civil Procedure Rules provides that:-

“The court may of its own motion or on the application of any party to a suit and for cause shown order that a case be tried in a particular place to be appointed by the court:-

Provided always that in appointing such particular place for trial the court shall have regard to the convenience of the parties and of their witnesses and to the date on which such trial is to take place, and all the other circumstances of the case.”

12. The 3<sup>rd</sup> defendant relied on the case of M Oriental Bank Limited v Kenya National Highways Authority & another (Environment and Land Petition E007 of 2024) [2025] KEELC 6787 (KLR) which the court held that:-

“The ELC possesses inherent jurisdiction, meaning it has the power to manage its own affairs and ensure justice is served. This inherent power allows the ELC to transfer a case to another ELC territory if it’s deemed necessary for a fair and efficient hearing. It is this inherent and/or residual power of this court that gives it authority to transfer this case to the Environment and Land Court at Kajiado.”

13. The purpose of the directive by the law for cases to be heard and determined within the territorial jurisdiction of the subject matter of the suit is often to reduce the time and costs it will take to hear the matter, for instance, the cost of a site visit. It is also more efficient for the court to hear matters within their territory as they are well-versed with the issues that are peculiar to the terrain. This enhances access to justice and is within the overriding objective of the court.

14. The reasons advanced by the plaintiff are in my view not persuasive enough to justify the hearing of the suit while there is a functional court with similar jurisdiction in Thika where the suit property is situate. It is for this reason that I will allow the application for transfer to the Thika Environment and Land Court. The court is alive to the plaintiff’s cries that this matter has taken too long to be heard and determined to its conclusion, and I will proceed make the appropriate orders as follows:-

- i. This suit is hereby be transferred to the Environment and Land Court at Thika within Kiambu County for hearing and determination on a priority basis.
- ii. This matter to be mentioned before the Presiding Judge ELC Thika on 5<sup>th</sup> May, 2026 for further directions.
- iii. Each party shall bear their own costs.

It is so ordered.

**DATED, SIGNED & DELIVERED VIRTUALLY THIS 21<sup>ST</sup> DAY OF APRIL, 2026.**

**HON. MBOGO C.G.**

**JUDGE**

**21/04/2026.**

In the presence of:

Ms. Benson Agunga - Court assistant

Mr. Mwanzia holding brief for Mr. Kioko Kilukumi (senior counsel) for the 2<sup>nd</sup> Defendant

Mr. Nelson Havi (senior counsel) for the 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Defendants



Mr. Kaka for all the Defendants in 49/2009 as consolidated with 2247/2007

Ms. Awiti holding brief for George Gilbert for the Plaintiff - Mr. Tiego appearing alongside Ms. Awiti

Mr. Kenyatta for the 3<sup>rd</sup> Defendant

Ms. Awandu holding brief for Mr. Were for the 1<sup>st</sup> Defendant in 2247/2007

