



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 259 OF 2017

FORMERLY MERU ELC. 270 OF 2015

HUMPHREY KIURA M'NYIRI & 2 OTHERS....PLAINTIFFS

VERSUS

GITARI M'NYIRI.....DEFENDANT

RULING

1. This suit was filed at Embu on 3.12.1999 as HCC No. 78 of 1999.
2. This is a suit that should have been dismissed a long time ago in terms of the provisions of order 17 of the Civil Procedure Rules or its predecessor provisions.
3. The prayers in the plaint are for judgment against the defendant for:
 - a) Order that the defendant do sign mutation forms and transfer forms to enable plaintiffs get their portions and Title Deeds.
 - b) Costs of this suit.
 - c) Any other or better relief which this Court may deem fit to grant.
4. This suit was transferred from Embu to Chuka on 23.2.2017, eighteen years after it was filed.
5. I find that the orders sought fall within the jurisdiction of the Chief Magistrate's Court at Chuka. In the circumstances, this suit is transferred to Chuka CM's Court for hearing and determination. This suit should be heard de novo on a priority basis.
6. Parties to take **directions** before the CM's Court on **21.3.2018**.
7. It is so ordered.

Delivered in open court at Chuka this 28th day of February, 2018 in the presence of:

CA: Ndegwa

Njeru Ithiga present for the plaintiffs

Defendants or their advocate absent

P.M. NJOROGE

JUDGE