

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 237 OF 2017

SILVESTER NJUE NJAGI.....PLAINTIFF

VERSUS

GEORGE KINYUA..... DEFENDANT

JUDGMENT

1. This suit was to be heard on **27th June, 2017**.
2. When the hearing date was given, the plaintiff was in court and he undertook to appropriately serve the defendant with the hearing date fixed by the court.
3. During the date fixed for hearing, that is on **27th June, 2017**, after the suit had been called on for hearing outside the court, neither party attended.
4. I find it meritorious to dismiss this suit.
5. I do opine that pending delivery of Judgment in the Court of Appeal concerning the vexed issue of whether or not magistrates courts should handle land matters and since the challenged High Court decision was stayed, all small claims such as this one and all suits falling within the pecuniary jurisdiction of the magistrates courts should originate in the magistrates courts.
6. In the circumstances, this suit is dismissed.
7. I issue no order as to costs.
8. It is so ordered.

Delivered in open court at Chuka this **28th day of June, 2017** in the presence of:

CA: Ndegwa

P.M. NJOROGE

JUDGE