



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC MISCELLANEOUS APPLICATION CASE NO 16 OF 2017**

**FORMERLY CHUKA CM'S COURT MISC CIVIL APPLICATION NO. 5/2015**

**JOHN KAMAKIA NTHATU.....APPLICANT**

**VERSUS**

**THE HEAD TEACHER KARII KAMBURI PRIMARY SCHOOL...1<sup>ST</sup> RESPONDENT**

**THE HON. ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. This application is dated 26<sup>th</sup> October, 2016 and seeks orders:

1. That this honourable court be pleased to transfer NKUBU SENIOR PRINCIPAL MAGISTRATES' CIVIL SUIT NO. 26 OF 2011 to Chuka Law Courts for hearing and determination.

2. That costs be provided for.

2. The application has the following grounds:

a) That the applicant sued the respondents in NKUBU SENIOR PRINCIPAL MAGISTRATES' CIVIL SUIT NO. 26 OF 2011.

b) That the said suit was filed in a court of competent jurisdiction.

c) That on the 9.7.2014 the honourable magistrate in Nkubu opined that the suit be transferred from Nkubu to Tharaka Nithi County for hearing and determination.

d) That this honourable court has both geographical and pecuniary jurisdiction to hear and determine the said civil suit.

3. I have considered the pleadings filed in this application. I opine that transferring Nkubu Senior Principal Magistrates' Civil Suit NO. 26 of 2011 to Chuka Law Courts for hearing and determination will not be negatively detrimental to any of the parties.

4. In the circumstances, I order as follows:

This suit is transferred to Chuka Law Courts for hearing and determination.

Delivered in open court at Chuka this **6<sup>th</sup> day of December, 2017** in the presence of:

CA: Ndegwa

Parties absent

**P.M. NJORGE**

**JUDGE**