



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**ENVIRONMENT AND LAND COURT**

**ELC. MISC. NO. 261 OF 2015**

**KASIGAU RANCHING (D.A) CO. LTD.....APPLICANT**

**VERSUS**

**FINCH TRAVEL LIMITED.....RESPONDENT**

**RULING**

Notice of Motion dated 28<sup>th</sup> September 2015 seeks the transfer of **Milimani CM.CC. NO. 788 of 2015** from the Subordinate Court to the Environment & Land Court for full hearing and determination on the ground that though the Plaintiffs' claim is for a sum of Ksh. 5,818,610/-, the Respondent plans to file a counterclaim touching on a Ksh. 50million investment on the suit premises, a lease of over 15,000 acres on LR NO. 12180 and seek damages for breach of Lease Agreement.

Accordingly, the Applicant urges that the subject matter of the suit before the Subordinate Court exceeds the pecuniary jurisdiction thereof, thereby necessitating the transfer of the suit to the Environment & Land Court which has unlimited original jurisdiction on land matters. It is noteworthy that as matters stand right now, the Applicant has not yet raised the counterclaim referred to. The Applicant has only noted that they desire to file the said counterclaim. I therefore decline to allow the Application for the reason that the Counterclaim has not as yet been raised or lodged.

The application is therefore dismissed with no order as to costs.

**DELIVERED AND SIGNED AT NAIROBI THIS 4<sup>TH</sup> DAY OF MARCH 2016.**

**MARY M. GITUMBI**

**JUDGE**