



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

MISC. APPLICATION NO 134 OF 2015

MONICA WANJIRU KINYUA.....APPLICANT

VERSUS

NDEFFO LIMITED.....RESPONDENT

RULING

(Application to transfer suit from Magistrate's Court; application allowed).

1. This is a Miscellaneous Application filed pursuant to the provisions inter alia of Section 18 of the Civil Procedure Act, Cap 21, Laws of Kenya. The applicant wants to have the civil suit No. 890 of 2013, filed at the Chief Magistrate's Court in Nakuru, to be transferred to this court for hearing and disposal. The core reason for seeking the transfer is that the subject matter of the suit is land, and that the value of the counterclaim, is in the sum of Kshs. 11,600,000/= which exceeds the jurisdiction of the Chief Magistrate's Court.

2. The application is not opposed by the respondent.

3. I have looked at the pleadings in Nakuru CMCC No. 890 of 2013 attached to the supporting affidavit. I am satisfied that the Chief Magistrates Court has no jurisdiction in the matter. I therefore transfer the said suit to this court, the Environment and Land Court at Nakuru, for hearing and disposal. Costs of the application will abide the suit.

4. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 22nd day of September 2015.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of :-

Mr. Kagucia present for applicant

Mrs. Magana holding brief for Mr. Waiganjo for respondent

Janet: Court Assistant

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU