



Muriithi v Sidian Bank Limited & another (Environment & Land Case E001 of 2024) [2024] KEELC 1804 (KLR) (26 March 2024) (Ruling)

Neutral citation: [2024] KEELC 1804 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
ENVIRONMENT & LAND CASE E001 OF 2024**

**BM EBOSO, J
MARCH 26, 2024**

BETWEEN

ANDREW MICHAEL MURIMI MURIITHI PLAINTIFF

AND

SIDIAN BANK LIMITED 1ST DEFENDANT

**GEORGE NJOROGGE MUIRURI T/A PHILLIP INTERNATIONAL
AUCTIONEERS 2ND DEFENDANT**

RULING

1. I have read the pleadings in this suit. I have taken into account the parties submissions on the question of jurisdiction of the Environment and Land Court. The dispute in this suit relates to a charge. Through the suit, the plaintiff has challenged the 1st defendant's exercise of the chargee's statutory power of sale.
2. The Court of Appeal has, in a line of decisions, been unequivocal that disputes relating mortgages/ charges fall outside the jurisdiction of the Environment and Land Court. In the circumstances, it is clear that this court does not have jurisdiction to entertain this suit.
3. Consequently, the suit stands struck out. It is so ordered.
4. In line with section 2 of the *Civil Procedure Act*, the plaintiff will bear costs of the suit.

DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 26TH DAY OF MARCH 2024

B M EBOSO

JUDGE

In the presence of: -



Mr Mudanya for the Plaintiff/Applicant

Mr Maondo for the Defendant/Respondent

Court Assistant: Hinga

