



THE OFFICIAL LAW REPORTS

OF



THE REPUBLIC OF KENYA

GAZETTE NOTICE NO. 1756

THE CONSTITUTION OF KENYA

THE CIVIL PROCEDURE ACT  
(Cap. 21)

PRACTICE DIRECTIONS RELATING TO THE FILING OF SUITS, APPLICATIONS  
AND REFERENCES IN PROPER COURTS

IN EXERCISE of the powers conferred by section 65 (3) of the Constitution and in pursuance of sections 11 to 18 of the Civil Procedure Act, Chapter 21 of the Laws of Kenya which make provisions for the place of suing according to (a) the pecuniary jurisdiction of the court; (b) the place where the subject matter or property is situate; (c) the place where the cause of action arose; and (d) where the defendants or any of them resides or works for gain, the Chief Justice makes the following practice directions:

1. The place of suing is to be determined in accordance with the provisions of sections 11 to 18 of the Civil Procedure Act and not according to the preference or convenience of the plaintiff. The Courts and the filing registries must strictly observe the provisions as to the place of suing by allowing only those that comply with the law and rejecting those that do not.
2. Where suits have already been filed in the wrong Court, the Court should exercise its authority under Order VII rule 9 of the Civil Procedure Rules to return the plaint to be presented to the court in which the suit should have been instituted, without prejudice to any other powers that it may possess under the law to strike out the pleadings as an abuse of the process of the Court.
3. The filing of appeals, bail applications, and references from the subordinate courts should be made at the High Court with corresponding Supervisory Jurisdiction according to the established judicial administrative districts as set out in the Schedule.
4. All Judicial Review proceedings under Order LIII of the Civil Procedure Rules and Constitutional applications and references shall be serially registered in a Special register(s) for Judicial Review and constitutional Application and Reference matters in

the appropriate Registry, and be heard by the High Court for the respective area on priority basis and without delay.

5. All High Court stations are hereby directed to observe the provisions of Order XLVI of the Civil Procedure Rules with regard to the filing and hearing of suits in the High Court Central Registry and in the District Registries and to ensure their compliance and enforcement.

## SCHEDULE

### HIGH COURT AND THE RESPECTIVE MAGISTRATE'S COURT AREAS OF SUPERVISION

Province	High Court Station	Magistrate Court areas
Nairobi	Nairobi Law Courts	Chief Magistrate's Court, Makadara Magistrate's Court, Kibera Magistrate's Court, City Court, Children's Court, Kiambu Magistrate's Court, Githunguri Magistrate's Court, Limuru Magistrate's Court, Kikuyu Magistrate's Court, Gatundu Magistrate's Court, Thika Magistrate's Court, Magistrate's Court Milimani,
Nairobi	Milimani Commercial Courts	
Coast	Mombasa High Court	Mombasa Magistrate's Court, Tononoka Magistrate's Court, Kwale Magistrate's Court, Voi Magistrate's Court, Wundanyi Magistrate's Court, Taveta Magistrate's Court, Kaloleni Magistrate's Court, Mariakani Magistrate's Court,
Coast	Malindi High Court	Malindi Magistrate's Court, Kilifi Magistrate's Court, Hola Magistrate's Court, Lamu Magistrate's Court, Garsen Magistrate's Court,
Rift Valley	Nakuru High Court	Nakuru Magistrate's Court,

		Naivasha Magistrate's Court, Molo Magistrate's Court, Nyahururu Magistrate's Court, Maralal Magistrate's Court, Narok Magistrate's Court,
Rift Valley	Kericho High Court	Kericho Magistrate's Court, Sotik Magistrate's Court, Bomet Magistrate's Court,
Rift Valley	Eldoret High Court	Eldoret Magistrate's Court, Kapsabet Magistrate's Court, Iten Magistrate's Court, Kabarnet Magistrate's Court, Eldama Ravine Magistrate's Court,
Rift Valley	Kitale High Court	Kitale Magistrate's Court, Kapenguria Magistrate's Court, Lodwar Magistrate's Court,
Central	Nyeri High Court	Nyeri Magistrate's Court, Kigumo Magistrate's Court, Kangema Magistrate's Court, Kandara Magistrate's Court, Muran'ga Magistrate's Court, Karatina Magistrate's Court, Othaya Magistrate's Court, Mukurweini Magistrate's Court, Nanyuki Magistrate's Court,
Eastern	Machakos High Court	Machakos Magistrate's Court, Kangundo Magistrate's Court, Kithimani Magistrate's Court, Tawa Magistrate's Court, Kilungu Magistrate's Court, Makueni Magistrate's Court, Makindu Magistrate's Court, Kitui Magistrate's Court, Mwingi Magistrate's Court, Kajiado Magistrate's Court, Mutomo Magistrate's Court,
Eastern	Meru High Court	Meru Magistrate's Court, Nkubu Magistrate's Court, Chuka Magistrate's Court, Tigania Magistrate's Court,

		Maua Magistrate's Court, Isiolo Magistrate's Court, Marsabit Magistrate's Court, Moyale Magistrate's Court, Marimanti Magistrate's Court,
Eastern	Embu High Court	Embu Magistrate's Court, Kerugoya Magistrate's Court, Gichugu Magistrate's Court, Wang'uru Magistrate's Court, Baricho Magistrate's Court, Siakago Magistrate's Court, Runyenjes Magistrate's Court,
Western	Kakamega High Court	Kakamega Magistrate's Court, Hamisi Magistrate's Court, Vihiga Magistrate's Court, Butere Magistrate's Court, Butali Magistrate's Court, Mumias Magistrate's Court,
Western	Bungoma High Court	Bungoma Magistrate's Court, Webuye Magistrate's Court, Kimilili Magistrate's Court,
Western	Busia Sub-registry	Sirisia magistrate's Court, Busia Magistrate's Court,
Nyanza	Kisumu High Court,	Kisumu Magistrate's Court, Nyando Magistrate's Court, Winam Magistrate's Court, Tamu Magistrate's Court, Maseno Magistrate's Court, Siaya Magistrate's Court, Ukwala Magistrate's Court Bondo Magistrate's Court,
Nyanza	Kisii High Court	Kisii Magistrate's Court, Nyamira Magistrate's Court, Keroka Magistrate's Court, Kilgoris Magistrate's Court, Kehancha Magistrate's Court, Homabay Magistrate's Court, Migori Magistrate's Court, Rongo Magistrate's Court, Oyugis Magistrate's Court,

Ndhiwa Magistrate's Court,  
Ogembo Magistrate Court,

North  
Eastern            Garissa Sub- registry

Garissa Magistrate's Court,  
Wajir Magistrate's Court,  
Mandera Magistrate's Court.

Gazette Notice No. 300 of 19<sup>th</sup> day of January, 2007 is revoked.

Dated this 19<sup>th</sup> day of February, 2009.

**J. E. GICHERU,**  
**Chief Justice.**