



REPUBLIC OF KENYA



KENYA LAW
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**Ronald v Gatunyaga Dairy Farm Co Ltd & another (Tribunal Case
522 of 2015) [2016] KERRT 21 (KLR) (28 June 2016) (Ruling)**

Neutral citation: [2016] KERRT 21 (KLR)

**REPUBLIC OF KENYA
IN THE RENT RESTRICTION TRIBUNAL
TRIBUNAL CASE 522 OF 2015
HK KORIR, CHAIR
JUNE 28, 2016**

BETWEEN

MWANZIA RONALD PLAINTIFF

AND

GATUANYAGA DAIRY FARM CO LTD 1ST DEFENDANT

NJOKA & NJOKA SERVICES LTD 2ND DEFENDANT

RULING

1. By a Notice of Preliminary Objection filed on 10th September, 2015, the defence objected to these proceedings on the grounds that the Tribunal lacks jurisdiction to deal with the subject matter pursuant to the provisions of Section 2(1)(c) of [Cap 296](#).
2. It was also argued that, that being the case the ex-parte orders granted therein therefore was irregular, fatally defective and ought to be vacated.
3. When the matter came up for interpartes hearing on 12/11/2015, both parties Counsels on record agreed to have the Preliminary Objection converted by way of written submissions and it was directed that the defendants file his submission within 14 days after which the Plaintiff/Tenant was to reply in another 14 days.
4. Though The Defendant filed his submissions on 25/11/2015 there is no record of any submissions filed by the Plaintiff/Tenant.
5. The gist of the defence submission is that the tenant had a duly signed lease agreement for an agreed rent of Kshs. 15, 000/= which was to be renewable annually.
6. The defendant sought to place reliance on JR No. 447 as well as the case of the [owners of Motor Vessel SS Lilian v Caltex Oil limited](#) KLR1 1989.



7. In the absence of any submissions by the Plaintiff/Tenant to the contrary,, the Preliminary Objection is upheld, and the application together with the suit dismissed with costs.

**RULING DELIVERED IN CHAMBERS THIS 28/6/2016 IN THE ABSENCE OF BOTH PARTIES.
ISSUED UNDER MY HAND AND THE SEAL OF THIS HONORABLE TRIBUNAL AT
NAIROBI ON THIS 28TH DAY OF JUNE 2016.**

SIGNED

HILLARY K. KORIR - CHAIRMAN

RENT RESTRICTION TRIBUNAL NAIROBI

