**Mathuri v Nyaga**

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 31 May 1974

**Case Number:** 88/1971 (63/74)

**Before:** Chanan Singh and Waiyaki JJ

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*[1] Jurisdiction – District Magistrate – Slander – Magistrate may try case subject only to financial limit*

*– Magistrates’ Court Act* (*Cap.* 10), *s.* 10 (*K*)*.*

*[2] Civil Practice & Procedure – No case to answer, submission of – Bars defendant from giving*

*evidence – Evidence struck off record.*

**Editor’s Summary**

The appellant was the defendant in the trial court and at the conclusion of the respondent’s case, he submitted that there was no case to answer. The magistrate overruled the submission but allowed the appellant to call evidence. On the first appeal the resident magistrate held that the district magistrate had no jurisdiction to hear a claim of slander. On second appeal.

**Held –**

(i) a district magistrate may hear any proceeding of a civil nature, subject to the financial limits of his

jurisdiction and to any special Act;

( ii) having submitted that there was no case to answer the appellant should not have been allowed to

call any evidence all of which would be struck out.

Case remitted for judgment.

**No cases referred to in judgment**