

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL APPEAL NO. 438 OF 2011

GITUNGURI DAIRY FARMERS

CO-OPERATIVE SOCIETY.....APPELLANT

VERSUS

PETER NG'ANG'A WAWERU & 22 OTHERS.....RESPONDENT

DIRECTIONS

This appeal was scheduled for judgment today following orders made at the last appearance in court. Parties had by then filed submissions as directed. However, when I retired to write the judgment, I noted, regrettably, that this is a matter that should have been heard by two judges and therefore, the direction given that a single judge could hear this appeal was misplaced.

An appeal from the Co-operative Tribunal to the High Court results in a final judgment, and that is the reason why a panel of two judges is detailed to hear such appeals. This should have been the case with this appeal. Regrettably therefore, no judgment may be delivered in the circumstances.

This is an old matter and a panel of two judges shall be nominated to hear and determine this appeal expeditiously. Since parties have already filed their respective submissions, I believe this is a matter which may be concluded during this term of our calendar.

On a separate note, I shall be giving directions as to the panel of two judges who shall proceed to determine this matter by way of giving a final judgment.

Dated, signed and delivered at Nairobi this 25th Day of September, 2019.

A. MBOGHOLI MSAGHA

JUDGE