



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CIVIL APPEAL NO. 18 OF 2018

(CORAM: R. E. ABURILI - J.)

EDWARD ORANGI OGOLLA.....APPELLANT

- VERSUS -

MATHILDA ACHIENG ODUOR.....RESPONDENT

*(Being an Appeal originating from Principal Magistrate's Court, Ukwala vide Civil Case No. 56 of 2015 dated 11<sup>th</sup> October 2018 before Hon. G. Adhiambo, Senior Resident Magistrate)*

RULING

1. I have considered the appeal herein. The Appeal herein is summarily rejected as the subject matter before the trial court and on appeal relates to possession/occupation of land which is outside the purview of this court.
2. **Articles 162(2)(b), 165(5) (b) of the Constitution and Section 13 of the Land Act** confer to the Environment and Land Court exclusive original and appellate jurisdiction in such matters and expressly bars the High Court from hearing and determining such disputes.
3. Accordingly, this appeal is summarily rejected for want of jurisdiction.
4. File closed, parties to be notified by the Registry.

Orders accordingly

**Dated, signed and Delivered at Siaya this 31<sup>st</sup> Day of October 2019**

**R.E. ABURILI**

**JUDGE**