



**Mwaura v Parkinyaru c/o Muntati Wainaina (Environment and Land Miscellaneous Application E060 of 2021) [2023] KEELC 20893 (KLR) (24 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20893 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E060 OF 2021  
MN GICHERU, J  
OCTOBER 24, 2023**

**BETWEEN**

**MONICA KABURA MWAURA ..... APPLICANT**

**AND**

**WAINAINA PARKINYARU C/O MUNTATI WAINAINA ..... RESPONDENT**

**RULING**

1. This ruling is on the notice of motion dated 27/9/2021. The motion which is brought under Section 7 of the *Land Disputes Tribunal Act*, Cap 303 A (now repealed) and all enabling provisions of the law seeks the following orders.
  - i. That this court confirms and enforces the award of Land Disputes Tribunal of Kajiado North District made on 1/8/2012 between Monica Kabura as claimant and Wainaina Parkinyaru as the objector.
  - ii. That this court appoints its executive officer to sign all the transfer documents in the event the Respondent's family fails to comply.
  - iii. That the court awards damages for failure of the Respondent to comply with the award of the Tribunal in addition to interest therein.
  - iv. That costs of this application be provided for.
2. The motion is supported by an affidavit sworn by the applicant dated 27/9/2021 in which she deposes, *inter alia*, that the decision of the tribunal remains unexecuted and it was in favour of the Applicant. It was to the effect that the deceased Respondent do transfer 5 acres out of plot no. 19 Kitengela Group Ranch to the Applicant. Annexed to the affidavit are several documents which include the award of the Land Disputes Tribunal, Kajiado North District dated 1/8/2012.
3. I have considered the motion in its entirety and I direct as follows.



- i. Under the repealed *Land Disputes Tribunal Act* (Act No 18 of 1990), jurisdiction to implement the award of the Tribunal vested in the Magistrates' court. It is therefore the Magistrates' Court to deal with this matter.

Secondly, on 1/11/2021 and again on 25/11/2021, the Applicant was expected to specify if the award of the tribunal was adopted as a judgment of the court by the Magistrates' Court but she has not done so.

Whatever the case, the jurisdiction to implement the tribunal's decision squarely lies with the Magistrates' Court. The case is hereby transferred to the Chief Magistrates' Court Kajiado for further action.

It is so ordered.

**DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 24<sup>TH</sup> DAY OF OCTOBER, 2023.**

**M.N. GICHERU**

**JUDGE**

