



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT BUNGOMA.**

**CIVIL CASE NO. OF 9 OF 2017**

**CATHERINE KUTETE LUJENO.....APPELLANT**

**VERSUS.**

**BUNGOMA TEACHERS SACCO**

**SOCIETY LIMITED.....REPOENDENT**

**RULING.**

This is an appeal from the decision of the Co-operative Tribunal sitting in Eldoret in Tribunal Cause No. 9 of 2008; delivered on 21.3.2017. This is an appeal to this court pursuant to Section 81 of the Co-operative Societies Act. Section 81 of the Act provides;

(1) Any party to the proceedings before the Tribunal who is aggrieved by any order of the Tribunal may, within thirty days of such order, appeal against such order to the High Court:

Provided that the High Court may, where it is satisfied that there is sufficient reasons for so doing, extend the said period of thirty days upon such conditions, if any, as it may think fit.

(2) Upon the hearing of an appeal under this section, the High Court may –

(a) Confirm, set aside or vary the order in question;

(b) Remit the proceedings to the Tribunal with such instructions for further consideration, report, proceedings or evidence as the court may deem fit to give;

(c) Exercise any of the powers which could have been exercised by the Tribunal in the proceedings in connection with which the appeal is brought; or

(d) Make such other order as it may deem just, including an order as to costs of the appeal or of earlier proceedings in the matter before the Tribunal.

(3) The decision of the High Court on any appeal shall be final.

The decision of the High court in the appeal is final, the appeal should normally be heard by two bench court. For this reason, I direct that a 2 bench Judge court be constituted to hear this appeal.

**Dated at Bungoma this 26<sup>th</sup> day of November, 2019.**

**Court:-** Mention on 11.2.2020 for directions on Hearing date.

**S.N. RIECHI**

**JUDGE.**