

REPUBLIC OF KENYA

IN THE HIGH COURT AT KISUMU

CIVIL APPEAL NO. 1 OF 2011

BETWEEN

JACOB OLOO OGUT.....APPELLANT

AND

CALEB GUNDE OGUT.....RESPONDENT

(Being an appeal from the Judgment and Decree of Hon.R.Oanda, RM dated 17th September 2009 at the Resident Magistrates Court at Tamu in Civil Case No. 27 of 2008)

RULING

1. This is an appeal from the judgment of the subordinate court granting the respondent vacant possession of the property known as KISUMU/SONGHOR/298.
2. This appeal concerns title to land hence this court has no jurisdiction to determine the same by virtue of **Article 162(2)** of the Constitution which gives exclusive jurisdiction on matters concerning land to the Environment and Land Court.
3. The appeal is therefore transferred to the Environment and Land Court at Kisumu for hearing and disposal.

DATED and DELIVERED at KISUMU this 30th day of October 2017.

D.S. MAJANJA

JUDGE