



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIVASHA**

**CIVIL APPEAL NO. 6 OF 2014**

*(Being an appeal from the Judgment in Chief Magistrates Civil Case*

*No. 47 of 1994 by Hon. S. Mwinzi Ag SRM, delivered on 24<sup>th</sup> June, 2014)*

**PHYLLIS WANGARI KIMOTHO.....APPELLANT**

**-VERSUS-**

**JOHN MWANGI KAMURI.....RESPONDENT**

**RULING AND DIRECTIONS**

1. This appeal was filed in the High Court of Kenya at Naivasha in the year 2015. In the course of preparing judgment in the matter, I have noted that this dispute is very old. The lower court suit resulting in the judgment now impugned on this appeal was filed in 1994.

2. It seems from the pleadings and evidence that the dispute emanates from a contract entered into by the parties in 1984. Yet on another level, what is at stake is the land parcel **No. LR NYANDARUA/KARATI/933** which is registered in the name of the Respondent and which the appellant claims to be entitled to on the basis of the 1984 sale agreement between the parties.

3. The jurisdiction to determine questions of land ownership and use is reserved for the Environment and Land Court. Thus in my view, in spite of the fact that this court has jurisdiction to entertain the contractual questions raised in this dispute, it is my considered view more prudent that this dispute be dealt with once and for all by the Environment and Land Court. That way, all the issues outstanding between the parties can be resolved simultaneously. This will preempt any further delays in this old matter.

4. In the circumstances, I will direct that this appeal be transferred to the Environment and Land Court Registry at Nyahururu and be placed before the concerned Judge on 6<sup>th</sup> December, 2017 for necessary directions as to disposal.

Delivered and Signed at Naivasha this **29<sup>th</sup>** day of **November, 2017**.

In the presence of:-

Appellant in person

No appearance for the Respondent

Court clerk – Barasa

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**C. MEOLI**

**JUDGE**