

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU

CIVIL APPEAL NUMBER 12 OF 2012

CECILIA NYAMBURA MURUNGA.....APPELLANT

VERSUS

JOHN NDUNG'U MAINA.....RESPONDENT

(Appeal from the Judgment of the Honourable Resident Magistrate D.N. Musyoka in Nyahururu Principal Magistrate's court Civil case No.118 of 2011 delivered on 10th January 2012)

DIRECTIONS

1. This appeal arose from the judgment delivered in **PMCC No. 47 of 2011 Nyahururu on the 10th January 2012**. The primary suit concerned the use and occupation of, and title to **land parcel No. Laikipia/Ngobit/Supuko Block 2/919(Wiyumiririe)**. The plaintiff now the Appellant sought an order of permanent injunction to restrain the Respondent from entering, remaining, interfering or in any manner dealing with the said land parcel and a further order of eviction from the suit premises. The trial court found in favour of the Respondent, and made an order that the suit premises be transferred to the Respondent among other reliefs.

The trial court's judgment gave rise to this appeal.

2. From the above, it is evident that the appeal belongs to the Environment and Land Court whose jurisdiction and mandate relate to the use, occupation and title to land. Practice Directions issued by the **Hon. The Chief Justice and Gazetted under Notice No. 5178** and dated **25th July 2014** on proceedings relating to the Environment and Land Court that all Land cases filed at the High Court, and pending for hearing shall be transferred to the said court as may be directed by the Judge, if such cases are not partly heard by the court.

3. This appeal has not been heard in this court as parties have only filed written submissions. This court is not seized of the necessary jurisdiction to hear and determine the appeal. For those reasons, the appeal is transferred for hearing and determination to the Environment and Land Court.

The parties may proceed to take directions on the disposal of the Appeal before the Environment and Land Court(ELC) Judge on a date to be taken at the registry.

Dated, signed and delivered in open court this 14th day of April 2016

JANET MULWA

JUDGE