

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

ENVIRONMENT & LAND COURT

CIVIL APPEAL NO.110 OF 2008

LAWRENCE KAIRU NYAMBURA.....APPELLANT

VERSUS

MOSES KINYURU GATHOGO.....RESPONDENT

R U L I N G

The subject matter herein is the decision of Provincial Appeals Committee made on the 10/12/2008. The committee decided that the District Land Registrar Nyeri do visit the site and settle the dispute of the boundaries of the two parcels of land 738 and 739. The Land Registrar Nyeri visited the parcel of land and made a decision. This court finds that the decision does not conform with the order of the appeals committee as the land registrar has not considered the acreage of the two parcels of land. I do find that the Land Registrar has not complied with the order of the Appeals Committee as he has not determined the boundary between the two parcels of land according to acreage and therefore the report is not admitted. This court directs the land registrar to return to the parcel of land and determine the boundary of the two parcels of land according to acreage thus NYERI/WATUKA/739 to measure 39.0 hectares and NYERI/WATUKA/738 to measure 29.0 hectares. This exercise to be undertaken within 30 days and a report be filed in court within the said period, failure of which the land registrar to be committed to jail for six months for contempt.

Dated, signed and delivered at Nyeri this 16th Day of May 2014

A. OMBWAYO

JUDGE