

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HCA 72 OF 2009

M'RUKARIA NKUBITU.....APPELLANT

VERSUS

JULIUS NTIRIBI RUKARIA.....1ST RESPONDENT

MARY NCEKEI KIRIANKI.....2ND RESPONDENT

J U D G E M E N T

This appeal was filed vide a Memorandum of Appeal dated 20th July, 2009, which had the following grounds-

1. *The Provincial LDT appeal panel of elders erred in law by affirming an illegal and irregular decision of the District Land Disputes Tribunal.*
2. *The panel of elders erred in law by proceeding to confirm the District Lands Tribunal award and award which is contrary to section 28, 29 and 30 of Registered Land Act Cap 300 Laws of Kenya.*
3. *The panel of Elders erred in law by confirming the District Tribunal award contrary to law.*

On 23rd October, 2014 advocates for the parties asked the court to adopt a written consent which they had signed as an order of this Court. It was in the following terms:

“By consent of the advocates and parties, the appeal dated 20th July, 2009 is marked as withdrawn with costs to the respondents. Costs to be agreed. If not, to be taxed by the Deputy Registrar.”

The consent is adopted as an order of this court. The parties may not bring to court matters which were the subject of this appeal to court again, unless it is for taxing of the costs. For avoidance of doubt, this court declares itself *functus officio*.

Delivered in Open court at Meru this 23rd day of October, 2014 in the presence of:

Cc Daniel/Lilian

Miss Thibaru for the Respondents

Kaimenyi h/b Ogoti for the appellant

P. M. NJOROGE

JUDGE