



REPUBLIC OF KENYA

High Court at Nyeri

Miscellaneous Civil Case 134 of 2012

MWANGI MWAI.....APPLICANT

VERSUS

WANJIKU MWAI MURIUKI.....RESPONDENT

**RULING**

On the 30th of September 2011, Omido J.M. Resident Magistrate Karatina made a decision that having adopted an award of the Mathira Land Disputes Tribunal as a judgment of the court, the court had no jurisdiction to entertain any other issues part from causing it to be enforced in the manner provided for under the Civil Procedure Act and Rules 2010.

The applicant had sought in the Notice of Motion dated 18/7/2011 the following orders:

- 1. THAT the court do orders the Land Registrar Nyeri to reverse the registration of land parcel No.KONYU/GACHUKU/1887 and KONYU/GACHUKU/1888 to revert to the original No.KONYU/GACHUKU/870 to give effect to the judgment of the court.**
- 2. That the court do order the respondent to sign all the requisite land control board application forms, mutations, transfer and any other necessary documents and in default the court do authorize its Executive Officer to sign the same.**
- 3. THAT the court be pleased to order the respondent to surrender or avail her passport size photo, copies of her ID Card and PIN certificate and in default on order do issue to the Land Registrar to dispense with the Land Registrar to dispense with the production of the same and effect any necessary entries in the lands register.**

The applicant now seeks leave to appeal against the ruling of the Resident Magistrate in Karatina SRMCC. No.6 of 2012 dated 30/9/2011 and so out of time.

This court declines to exercise its discretion in granting applicant leave to appeal and so out of time and agrees with the decision of Hon. J.M. Omido RM that under the Land Disputes Tribunal Act No.18 of 1990. The Magistrate's Court has no jurisdiction to vary the decision of the Tribunal. The Notice of Motion dated 18/7/2011 was misconceived as it sought to vary the decision of the Tribunal. The magistrates courts have no jurisdiction to do what the Act does not empower the court to do. The application is dismissed with no orders as to costs.

*Dated, signed and delivered at Nyeri this 17th day of May 2013.*

**A. OMBWAYO**

**JUDGE**