

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NYERI
LAND AND ENVIRONMENT COURT

MISC.APPL. NO.41 OF 2013

WATSON WACHIRA MURIITHIAPPLICANT

VERSUS

SUSAN WAIHUINI MURIITHI.....RESPONDENT

R U L I N G

The application before court is dated 20th May 2013 wherein the applicant seeks leave of the court to appeal **out of time**, to the High Court Nyeri against the award of the Mweiga Land Disputes Tribunal dated 11/5/2010 and adopted as judgment of the court on 16/9/2010 in the Nyeri Chief Magistrates Court award No.27 of 2010.

I have looked at the Notice of Motion, supporting affidavit and have heard oral submissions by the applicant in the absence of the respondent who was served but neither filed a response nor attended the hearing.

The intended appeal is made pursuant to **section 8 (9) of the Land Disputes Tribunal Act No.18 of 1990** (repealed). The section gave this court jurisdiction to entertain an appeal from the Appeals Committee and not the Land Disputes Tribunal.

The section provided as follows;

“Either party to the appeal may appeal from the decision of the Appeals Committee to the High Court on a point of law within sixty days from the date of the decision complained of:

Provided that no appeal shall be admitted to hearing by the High Court unless a judge of that court has certified that an issue of law (other than customary law) is involved.”

This court is of the considered view that it has no jurisdiction to entertain the intended appeal as the decision from which the appeal is preferred is not a decision of the **Appeals Committee** as contemplated in **section 8 (9) of the Land Disputes Tribunal Act no 18 Of 1990 (repealed)** and therefore, the application is dismissed accordingly with no order as to costs.

Dated, signed and delivered at Nyeri this 14th day of June 2013.

A. OMBWAYO

JUDGE