



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
MISC APPLICATION NO. 77 OF 2012

LUBUARU M'IMANYARA.....APPLICANT

VERSUS

DANIEL MURUNGI.....RESPONDENT

RULING

The parties herein have filed a consent seeking to have the dispute herein referred to the **NJURI NCHEKE COUNCIL LAARE** Division, Meru County.

Article 159 (2) (c) of the constitution enjoins this court to embrace as a guiding principle alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms. Article 60 (g) of the Constitution dictates that this Court should adopt, inter alia, the principle of land policy that encourages communities to settle land disputes through recognized local community initiatives consistent with the Constitution.

Referral of this dispute to the Njuri Ncheke is in congruence with the Constitutional provisions I have referred to. The said referral is consistent with the Constitution. The Njuri Ncheke Council of elders arrangement is a Meru traditional dispute settlement mechanism that can spawn positive dispute Settlement attributes.

The consent is adopted as an order of the court.

In the circumstances it is ordered as follows:

1. Maua Civil Case Number 149 of 2009 between Daniel Murungi (plaintiff) and Lubuaru M'Manyara (defendant) be referred for arbitration and determination before **NJURI NCHKE COUNCIL OF ELDERS of LARE DIVISION, MERU COUNTY**.
2. There is no order as to costs.

Delivered and Signed in Open court at Meru this 16th day of July, 2013, before:

Court Clerk;- Daniel

Mrs Ntarangwi for applicant

Daniel Murungi respondent – present

P. M. NJORGE

JUDGE