

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

MISC. CIVIL APPLICATION NO. 169 OF 2011

KAGUNYU MURIGU.....APPLICANT

VERSUS

PAUL NJAGI KAGUNYU.....1ST RESPONDENT
SAMUEL MURIGU KAGUNYU.....2ND RESPONDENT

RULING

This is the Applicant's application Notice of Motion dated 29/8/2011. It's brought under Section 95 of the Civil Procedure Act and Order 50 Rule 6 of the Civil Procedure Rules. It's supported by grounds on the face of the application. The orders the Applicant are leave to file an appeal to the Provincial Land Disputes Appeal Committee against the award dated 23/10/2008 and Judgment entered by the Kerugoya SPM's court vide LDT No. 12/2009. He wants time enlarged for him to file appeal.

The Applicant is hereby advised that there is a judgment of the court in Kerugoya LDT No. 12/2009. He cannot therefore file an appeal before the Land Disputes Appeals Committee. He should file an Appeal in the High Court if aggrieved by the judgment of the Kerugoya Principal Magistrate's court. He also asks for transfer of the case to Nyeri. There is nothing for this court to transfer.

In the circumstances the Application dated 29/8/2011 is dismissed.

DATED, DELIVERED AND SIGNED AT EMBU THIS 18TH DAY OF NOVEMBER 2011.

H. I. ONG'UDI
JUDGE