



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU**

Civil Appeal 87 of 2007

ISAAC MAINA MURATHE.....APPELLANT

VERSUS

JESIDAH WANJIRU MURATHE.....RESPONDENT

J U D G M E N T

This appeal arises from the Award of the Provincial Land Disputes Committee in Provincial Land Disputes Tribunal/Committee in claim No. 8 of 2001. The appellant in his Memorandum of Appeal has proffered 2 grounds only as hereunder:-

1. ***That the Provincial Land Disputes Committee erred in law for not giving reasons for its decision.***
2. ***That the Provincial Land Disputes Committee erred in law in directing that the appellant give the respondent 1 acre out of the appellants land parcel No. Mwerua/Kagioini/253, which directive/award the tribunal did not have jurisdiction in view of section 3 (1) of the Land Disputes Tribunal Act No.18 of 1990.***

He asks the court to allow the appeal and set aside the Award of the District Land Disputes Tribunal, adoption of the award in Baricho Land Disputes Tribunal No. 14 of the 2001 and the award of the Provincial Land Disputes Tribunal/Committee in claim No.8 of 2007.

The Respondent in her reply did not have much to say save that he had been given the land -2 acres initially and later 1 acre by the Provincial Land Disputes Committee.

This appeal hinges purely on points of law. Indeed, I will dispose of it on ground 2 only. Did either Tribunal have jurisdiction to arbitrate over the land in question?

