

Tribunal Act, 1990. The Respondent appealed before the Provincial Land Dispute Appeals Committee against the award of the tribunal in accordance with section 8(1) of the Act. The decision was made by the committee in favour of the Respondent herein. It appears that this decision was erroneously filed in court and adopted as judgment on 10/8/2000 by the Chief Magistrate.

Section 8 (9) provides that any party aggrieved by the decision of the appeals committee shall appeal to the High Court within sixty (60) days. It is clear that the magistrate's court has no business to deal with the decision of the Provincial Appeals Committee. The Chief Magistrate lacked jurisdiction when he adopted the decision as judgment on 10/8/2000. The ruling he made is therefore *void ab initio* and is hereby set aside. The appeal therefore succeeds. It was not the fault of either party that the Chief Magistrate made the said decision. The Respondent took the decision to court for adoption and he is hereby condemned to meet the costs of this appeal.

**F. N. MUCHEMI
JUDGE**

Dated, Delivered and Signed this 29th day of April 2010
In the presence of:-

Mr Ocharo for Respondents