

REPUBLIC OF KENYA

IN THE HIGH COURT AT ELDORET

Civil Appeal 154 of 2007

ELIJAH KIPSOIMO ARAP MARITIM APPELLANT

VERSUS

ALICE JEPTOO RESPONDENT

RULING

The Respondent raised a Preliminary Objection to this Appeal on three grounds:-

1. That the appeal is time barred.
2. That the appeal offends the mandatory provisions of the Land Disputes Tribunal Act, No. 18 of 1990.
3. That the issues raised in the Appeal are Res judicata.

This is an appeal against the Award of the Kosirai Land Disputes Tribunal delivered on 6th June, 2006.

Section 8 (1) of the Act provides that:-

“8 (1) Any party to a dispute under Section 3 who is aggrieved by the decision of the Tribunal may, within thirty days of the decision appeal to the Appeals Committee constituted for the Province in which the land which is the subject matter of the dispute is situated.”

The said provision means that an aggrieved party may only appeal to the Appeals Committee at the first instance within thirty (30) days. No appeal has lies to the High Court from the decision of the Tribunal under the Act.

I therefore do hereby uphold the Preliminary Objection and strike out the appeal with costs to the Respondent.

DATED AND DELIVERED AT ELDORET ON THIS 5TH DAY OF SEPTEMBER, 2008.

M. K. IBRAHIM

JUDGE

In the presence of:

Mr. Sang for the Respondent

Mr. Okara for the Appellant