



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

**AT NYERI**

**Misc 108 of 2006**

**JACKSON KARIUKI NGATIA.....APPLICANT**

**VERSUS**

**SAMUEL MUHINDI MURIATHI.....RESPONDENT**

**RULING**

The Notice of Motion dated 31<sup>st</sup> May 2006 was filed by the Applicant Jackson Kariuki Ngatia the same is brought under section

8 (I) of the Land Disputes Act 1990. The Applicant seeks from this court permission to file an appeal at the Provincial Appeals Committee at the same time the Applicant also seeks stay of execution in Nanyuki SRM case No. 23 of 2005. The Respondent although was served did not appear at the hearing nor did he file any opposition to the application. Section 8 (1) provides as follows:-

***(I) 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 application is merited for the Applicant was prevented from filing the appeal on time due to the request that he should obtain a decree before the appeal could be received. Accordingly the court does hereby grant the Applicant leave to file an appeal at the Provincial Appeals Committee out of time. The court does hereby also grant the Applicant stay of execution in Nanyuki S.R.M. Case No. 23 of 2005 pending the hearing and determination of the appeal at Provincial Appeals Committee.

Orders accordingly.

Dated and Delivered at Nyeri on 11<sup>th</sup> May 2007.

**MARY KASANGO**

**JUDGE**