



IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL          APPEAL          NO          357          OF          2000

CHARLES KAHURA WAMWARA ..... APPELLANT

VERSUS

HANNAH WAWERU ..... RESPONDENT

RULING

The Appellant in the application dated 28th September, 2004 seeks the following orders:

***“1. THAT leave be granted to the Appellant/Applicant Charles Kahuru Namwara to act in person in place of firm of Muhuhu & Company Advocates.***

***2. THAT the Honourable Court be pleased to give leave to the Appellant/Applicant to file Notice of Appeal out of prescribed time.***

***3. THAT costs be in cause.”***

The parties recorded a consent on 20th July, 2004 in which prayer one was allowed.

The Counsel for the Respondent raised a Preliminary Objection in which he argued that Section 8 of the Land Disputes Tribunals Act allows an appeal to the High Court on issues of law only and thereafter no appeal can be lodged to the Court of Appeal.

That is indeed the correct position. This matter was heard and determined by my Brother Justice Kariuki, who entered judgment against the Appellant on grounds that there was no point of law that had been transgressed to justify interference with the award of the Appeals tribunal.

Section 8 (a) Land Disputes Tribunals provides that:

***“Either party to the appeal may appeal from the decision of the Appeals Committee to the High Court on a point of law within sixty days from the date of the decision complained of.”***

The Appellant did not satisfy this court that he was aggrieved on any point of law and his application was dismissed by Hon. Kariuki, J on 1st October, 2003.

Accordingly, I find no merit in his present application for leave to appeal against that decision. I decline the same. The Preliminary Objection is upheld, with costs to the Respondent.

Dated and delivered at Nairobi this 18th day of October, 2004.

**ALNASHIR VISRAM  
JUDGE**