



Ranttaine (Suing on behalf of the Estate of Paul Murampi Rantaine - Deceased) v Paro & another (Land Case Appeal E037 of 2024) [2025] KEELC 5037 (KLR) (3 July 2025) (Judgment)

Neutral citation: [2025] KEELC 5037 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KILGORIS
LAND CASE APPEAL E037 OF 2024**

MN MWANYALE, J

JULY 3, 2025

BETWEEN

GEORGE SAITOTI RANTAINNE (SUING ON BEHALF OF THE ESTATE OF PAUL MURAMPI RANTAINNE - DECEASED) APPELLANT

AND

PHILEMON KINYAMAL OLE PARO 1ST RESPONDENT

EXECUTIVE COMMITTEE OLOMISMIS GROUP RANCH. 2ND RESPONDENT

JUDGMENT

1. This Appeal should have summarily been dealt with at the point of issuance of directions under Section 79 of the *Civil Procedure Act*. As it is a clear case which should not have been admitted for hearing, as it shall become obvious hereinafter.
2. Aggrieved with the whole of the Judgment of Hon. M.I.G Moranga (C.M) delivered on 31st July 2023 in Kilgoris SPM E&L No. 51 of 2019, the Appellant through his then Counsel on record filed Kilgoris ELC Appeal No. E001 of 2023, he then opted to act in person and withdrew the said Appeal and vide a Memorandum of Appeal dated 6th December 2024, he filed this present appeal in person.
3. Upon the perusal of the Memorandum of Appeal dated 06.12.2024 and the Record of Appeal filed on 10th of December 2024, the court notes that the Appeal was filed more than one year and 5 months out of time without the Appellant first seeking and obtaining leave, of the court, Section 79(G) of the *Civil Procedure Act* provides for filing of an Appeal within 30 days, this appeal having been filed out of time, is a clear case that the Appeal ought not to have been admitted for hearing in the first place.
4. The Appellant has wholly himself to blame in this unfortunate turn of events, as the upshot is that the Appeal herein having been filed out of time is struck out with costs to the Respondents.

DATED AT KILGORIS THIS 3RD DAY OF JULY, 2025.



HON. M.N MWANYALE

JUDGE

In the presence of

CA – Emmanuel/Sylvia/Sandra

George Saitoti Appellant in person

Ms. Mireri for the Respondent

