



**South Nyanza Teachers Savings and Credit Cooperative Society Limited v Maseno University  
(Environment and Land Appeal 5 of 2021) [2023] KEELC 20556 (KLR) (2 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20556 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND APPEAL 5 OF 2021  
GMA ONGONDO, J  
OCTOBER 2, 2023  
(FORMERLY MIGORI HIGH COURT APPEAL NUMBER E029 OF 2021)**

**BETWEEN**

**SOUTH NYANZA TEACHERS SAVINGS AND CREDIT COOPERATIVE  
SOCIETY LIMITED ..... APPELLANT**

**AND**

**MASENO UNIVERSITY ..... RESPONDENT**

**RULING**

1. By a memorandum of appeal dated April 16, 2021, the appellant through Nyauke and Company Advocates lodged this appeal on the grounds that:
  - a. The Honourable Subordinate Court lacked the Jurisdiction to deal with the matter before it.
  - b. The Honourable Subordinate Court thus misdirected itself on matters of law and facts.
  - c. The Honourable court failed to appreciate that there was indeed, a landlord tenant relationship as at July 30, 2017 that was controlled with the meaning of the law.
2. Wherefore, the appellant prays thus:
  - i. The Subordinate court's judgement be vacated and set aside and the Respondent case in the subordinate court be dismissed with costs.
  - ii. The costs of this appeal be allowed.
3. On September 14, 2023 at 16.10 hours, a notice to show cause was issued via email pursuant to Order 17 Rule 2 of the *Civil Procedure Rules* 2010.
4. The parties are absent. There is no cause shown further to the notice issued herein.



5. Thus, under Order 17 Rule 2 (*supra*), this appeal is hereby dismissed with no orders as to costs.

6. It is so ordered.

**DELIVERED AND DATED AT HOMABAY THIS 2<sup>ND</sup> DAY OF OCTOBER 2023.**

**G.M.A ONG'ONDO**

**JUDGE**

**PRESENT**

1. Court Assistant, Terence
2. Both the Appellant and the Respondent -Absent.

