



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Obunga v Owiti (Civil Miscellaneous Application E159 of 2023)
[2024] KEHC 1512 (KLR) (14 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1512 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL MISCELLANEOUS APPLICATION E159 OF 2023
RE ABURILI, J
FEBRUARY 14, 2024**

BETWEEN

GEORGE OKUTO OBUNGA APPLICANT

AND

PATRICIA ATIENO OWITI RESPONDENT

RULING

1. The Application dated September 8, 2023 seeks for leave of court to file an appeal and Notice of Appeal out of time from Kisumu Misc. ELC No. 123 of 2018.
2. Although no proceedings from the lower court are annexed, it is clear that the lower court case is an Environment and Land Court case which then leads this court to conclude that the Applicant herein is misadvised and misdirected as this Court has no jurisdiction to hear and determine appeals arising from disputes filed and determined before courts or tribunals exercising jurisdiction in Environment and Land matters.
3. Accordingly, I find this application dated September 8, 2023 misplaced and incompetently filed before this court.
4. It is dismissed with no orders as to costs and the file is hereby closed.
5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF FEBRUARY, 2024

R. E. ABURILI

JUDGE

